THE TEXAS BLUEPRINT:

Transforming Education Outcomes For Children & Youth In Foster Care

THE FINAL REPORT OF THE EDUCATION COMMITTEE

MARCH 31, 2012

Children's Commission

SUPREME COURT OF TEXAS PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

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ACKNOWLEDGEMENTS

The Education Committee wishes to thank the members of the Supreme Court of Texas for acting as the foremost champions for children and youth in foster care and to the Honorable Harriet O'Neill for her vision in authoring the court order establishing the committee and its charge. We express our gratitude to the Honorable Eva Guzman for her continuing leadership and support of the committee's work. Of course, the greatest debt of thanks goes to the Honorable Patricia A. Macías, Judge of the 388th District Court in El Paso, for her outstanding leadership and unparalleled vision in leading the work of this Committee. Children's Commission Assistant Director Tiffany Roper and Executive Assistant Mari McGovney must also be recognized for their exceptional management and stewardship of this endeavor.

The Education Committee is also deeply grateful to Casey Family Programs, the American Bar Association Center on Children and the Law, and the National Resource Center for Legal and Judicial Issues for their support, resources, and expertise.

We also appreciate the dedication, commitment, and professionalism of the individuals who informed the discussion through participation in subcommittees and workgroups and those who assisted in the Committee's work by providing insight into the wide array of educational, legal and child welfare issues. Special thanks to those who participated directly by facilitating the committee's discussions including:

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This report is dedicated to the youth and families involved with the Texas child welfare system who will be the beneficiaries of this work.

Children's Commission®

SUPREME COURT OF TEXAS PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

Justice Eva Guzman, Chair

Tina Amberboy, Executive Director

March 31, 2012

Dear Colleagues:

As parents, we hope our children's lives will be full of opportunity and success. We believe our children's potential is unlimited, and it is our responsibility to help them realize their dreams. A quality education provides our children with the tools to enable them to reach beyond what we as parents can imagine for them. And as a society, we embrace the concept that all children deserve a quality education. We want to believe that education is the way forward, the great leveler of unfair disadvantages and unfortunate hardships.

But, for our children in the child welfare and foster care systems, this is not always an easy road. Children and youth in foster care are moved from school to school, compounding the trauma they have already experienced. Often their abilities to cope are overwhelmed, leading to behavioral and mental health needs that make it unquestionably difficult for even the most dedicated educators and caseworkers to ensure a quality education.

Improving the lives and opportunities of children caught between the child welfare and education systems demands a very organized, high-level collaboration among the disciplines that affect, and ultimately control, the opportunities for these children. Since the Supreme Court of Texas created the Education Committee in 2010 by Order, over 100 court, education, and child welfare stakeholders have done just that – come together to create better approaches for foster children that provide increasingly seamless school transitions, boost opportunities to participate in school activities, and better support and encourage post-secondary education. The Children's Commission Education Committee has worked tirelessly to develop the framework for ongoing, effective communication between systems to make a quality education more accessible and meaningful for Texas' foster youth and children.

The Children's Commission is indebted to the many partners in education who eagerly gave their time, talent and expertise to this important work. We all know that school-aged children are doing far more than learning curriculum. These years are critical for developing a sense of independence, social skills, and self-confidence. By streamlining and bolstering the policies of these overlapping systems, we are empowering youth as they realize their goals for a better tomorrow. Thank you for sending the resounding message that we care and believe all children can achieve their fullest potential.

Sincerely,

Eva M. Guzman

Eva Guzman, Chair

Supreme Court Children's Commission

The Honorable Patricia Macías, Chair,
Education Committee

The Honorable Cheryl Shannon, Vice-Chair,
Education Committee

Children's Commission®
SUPREME COURT OF TEXAS PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

March 31, 2012

Dear Colleagues:

We are proud to announce the submission of the Education Committee Report to the Texas Supreme Court Children's Commission. It reflects eighteen months of collaborative work and represents the combined expertise of over 100 individuals from throughout the state who united to draft courageous and innovative recommendations.

The report's guiding principles articulate what the Education Committee believes children in foster care deserve for a successful educational experience. These principles set the standard, high yet attainable, and provide focus even when fiscal and other resource concerns are raised. What clearly results is an appreciation for each entity's distinct legal authority and responsibility to assure each child and youth in foster care receives the best educational opportunity.

The Education Committee's recommendations give voice to a child's educational experience at each stage of development while in foster care. From infancy to post-secondary school transition, the Committee recognizes that a child's well-being includes academic stability as well as social connectedness gained through extra-curricular activities. For children with special needs, the recommendations require informed advocacy with deliberate speed. Each stakeholder entity and individual who touches the life of a child in foster care is accountable to secure optimum education access.

The Texas Blueprint demonstrates the extraordinary and unprecedented participation from courts, child protection, and education agencies. The 14 members of the Education Committee listened respectfully, discussed persuasively, and in the end, reached consensus. The Committee's collaborative process is as much a replication tool as are the strategies contained in the recommendations. Our intent is that local jurisdictions consider the report and use it as a framework for reform. At the state level, we expect the commitment to remain firm and that efforts continue as systems work synergistically to ensure each child in foster care achieves positive educational outcomes.

On behalf of the Education Committee, we thank the Supreme Court of Texas and the Children's Commission for their vision and support in recognizing the importance of improving educational outcomes for foster children. We also thank our consultants who guided the process from start to completion. The Education Committee is grateful to the incredible Commission staff, especially Assistant Director, Tiffany Roper. Her dedication, organization, and talents shaped this report.

Patricia A. Macías

Hon. Patricia A. Macías, Chair

Cheryl Lee-Shannon

Hon. Cheryl Shannon, Vice-Chair

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"Each stakeholder entity and individual who touches the life of a child in foster care is accountable." – **The Honorable Patricia Macías, Education Committee Chair and Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families Member**

I. INTRODUCTION

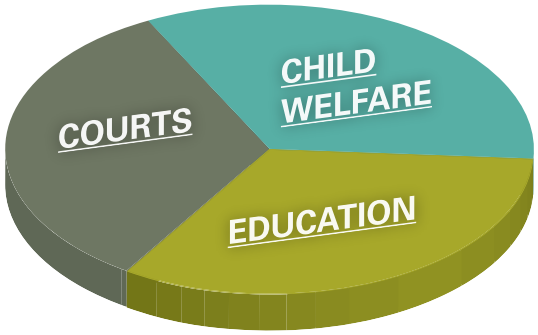
Texas initiative brings education, child welfare and the courts to the table to improve educational outcomes of children and youth in foster care.

From the moment a judge signs the order placing a child in foster care, the focus shifts from safety to well-being. Child welfare workers make a multitude of well-being decisions for the child, including foster care placement, continuity of family relationships, assessments for physical and mental health services, and appropriate education. This report examines a child's well-being through an education lens and presents recommendations which create collaborative, collectively accountable strategies for implementation.

In practice, educational decisions are unilateral and the result is children and youth in foster care are struggling educationally. What the Education Committee proposes is that education outcomes be transformed by institutional protocols, which require child welfare and education to communicate and become cross informed about elements which predict the child's educational success. The recommendations in this report include strategies for improving judicial decision-making, recognizing that courts have oversight ability of a child's well-being and the authority to ensure a child's education outcomes are positive and in the child's best interest.

"Education is a huge component of a child's overall well-being and future success in life, yet child welfare systems and public school systems often work separately, despite sharing a common goal."

– Dr. Johnny Veselka, Executive Director, Texas Association of School Administrators and Education Committee Member



Texas children and youth in foster care comprise a small percentage of the total student population, but their difficulties are great. Often, before entering foster care, their lives have been chaotic and sometimes filled with danger or extreme neglect. Foster care, although intended to be a safe haven for children and youth who are victims of abuse and neglect, often causes additional challenges and instability. Youth formerly in foster care often note it was school that provided the only consistency in their lives. Many remember a caring teacher who truly made a difference.

Danielle Daniels, 28, Huntsville, Texas

Before entering foster care permanently at 11, school was where Danielle Daniels says she found refuge. "It was my safe zone," Daniels said. "School was where I could get away from the chaos of my life, where I could eat, where I could go clean up. It was actually the only time I felt safe – where I felt like I could breathe."

For the rest of her childhood and teenage years in foster care, school became the only place she felt heard. "I didn't feel like I had a voice anywhere else," she said. "Outside of school, nobody is listening to you. Nobody believes you. In school, I could raise my hand and say something and people would listen to me, people would think I'm smart. At school I had a voice. It was the only place I had a voice."

She hated feeling stereotyped as a low achiever just because she was growing up in foster care. That anger motivated her. "When you're a foster child, people automatically give up on you. I was determined not to quit. I was not going tobe a failure," Daniels said. "I made up my mind I was going to make it to prove I could do it, and rub their noses in it. Whatever I had to do, I was going to do it."

Daniels encouraged herself by thinking of the future. "Eventually, I'm gonna be an adult," she thought, "and I'm gonna be able to make my own decisions."

School could sometimes be nerve-wracking as a foster kid, according to Daniels, because you could feel singled out. "People can say the meanest things when they find out you're a foster kid, but I toughed it out," Daniels said. "As long as nobody was picking on you, at school, you felt almost normal. If it wasn't for school, honestly, I don't know where I would be."

Daniels graduated with honors from high school and Texas Women's University and worked as a marketing executive for several years before deciding to be a stay-at-home mother about a year ago. She is married with two young sons.

A. Educational Achievement Critical for Students in Foster Care but Outcomes Poor

According to national studies, youth in foster care often have poor educational outcomes, in comparison with the general child population. The National Working Group on Foster Care and Education reviewed studies from around the country on children and youth currently and formerly in foster care. According to these studies, when compared to the general student population, foster youth were more likely to be suspended or expelled, scored lower on statewide standardized tests, were more likely to repeat a grade, were less likely to graduate and were more likely to drop out.[1]

"Children in care who are disproportionately having poor outcomes in the education system are generally being impacted and have disparities in multiple systems, i.e. child welfare, juvenile justice, criminal justice, health care, housing, and mental health. Improving outcomes in one system requires a multifaceted approach that elicits the involvement of these systems and others to resolve and ultimately eliminate disproportionate and disparate outcomes for this population." – **Sheila Craig, Disproportionality Project Manager, HHSC Center for Elimination of Disproportionality and Disparities, and School Readiness and School Experience Subcommittees Member**

Educational outcomes of Texas foster youth mirror national studies. According to data collected by the Texas Education Agency (TEA) Public Education Information Management System (PEIMS) during the 2008-2009 school year, in comparison to the general student population, children in foster care were less likely to leave school due to graduation and more likely to leave because they dropped out. Texas foster youth had lower high school achievement, were more likely to be in special education, and were less likely to be in the gifted and talented program.[2]

"The Collaboration among the Education Committee members was remarkable – no finger pointing or blaming others for the issues we face. There was a complete focus on doing what's best for children. If the policymakers who consider the Committee's recommendations collaborate and focus in a similar manner, then we'll make huge strides in Texas in improving the lives of these kids." – **James B. Crow, Executive Director, Texas Association of School Boards**

Although educational challenges are not unique to children and youth in foster care, this vulnerable population faces additional hurdles, including multiple residential and school changes, court appearances or therapeutic or other case-related appointments that must be attended during school hours, missed school days to visit with parents and siblings, as well as a typically chaotic educational history prior to entering foster care in the first place.

Children and youth who are of school-age and in foster care may also find themselves lost in-between child welfare and education – two systems with overlap, but inadequate ongoing and effective communication. Texas judicial, child welfare and education stakeholders informally report that school changes result in a damaging loss of records, credits, services, and support systems, which can hinder the academic success of school-age foster children and youth.

1. National Working Group on Foster Care and Education, Education is the Lifeline for Youth in Foster Care (October 2011). Available at www.casey.org/Resources/Publications/pdf/EducationalOutcomesFactSheet.pdf.

2. Texas Education Agency Public Education Information Management System, 2008-2009.

II. EXECUTIVE SUMMARY

In 2010, the Supreme Court of Texas issued an Order Establishing the Education Committee of the Permanent Judicial Commission for Children, Youth and Families (Children's Commission). The Order was the result of a Texas Action Plan drafted by a team of child welfare experts and designed to study the educational outcomes of Texas children and youth in foster care. The Education Committee - a high-level group of court, education and child welfare decision makers – created a collaborative initiative designed to improve educational outcomes of children and youth in the Texas foster care system. The order resulted in over 100 court, education and child welfare stakeholders coming together over an 18-month period to listen and learn from each other, discuss and debate about the issues, and ultimately develop recommendations to improve educational outcomes of children and youth in foster care.

Develop recommendations about:

- Judicial Practices
- Data and Information Sharing
- Multi-Disciplinary Training
- School Readiness
- School Stability and Transitions
- School Experience, Supports, and Advocacy
- Post-Secondary Education
- Future Collaboration

The Education Committee reached consensus on the recommendations that follow, with the joint recognition that some recommendations may carry a fiscal note, present challenges when implemented, or involve multi-system training. The recommendations range from changes to daily practices, modifications to education and child welfare policy, and amendments to Texas' statutory framework. The following summary gives a broad overview of the Education Committee's recommendations. The full set of recommendations, including commentary, may be found in a later section of this report.

April McWilliams, 25, El Paso

April McWilliams says she was already a leg down academically when she entered foster care at 13 and it's fair to say she's been playing catch-up ever since. "When I first entered care, there was a lapse of about five weeks before I could go to school again," McWilliams said. "My grades from the previous school were bad and the new incoming school was reluctant to take me in because they saw that I had just been released from juvenile detention. On top of that, I was a foster child."

McWilliams changed high schools four times before aging out of care, which compounded the academic setbacks she experienced. But she caught up by working through Nova Net, a self-paced online program. "I did this during my lunch, evenings and weekends. I remember being discouraged from taking chemistry and pre-calculus classes because they were supposedly too hard for me. But to graduate under the recommended program instead of the minimum program, I had to take those two classes. I hated being told that something was too hard for me, so I took those two classes along with tutoring and was able to graduate on time with my class under the recommended program," she said.

"I wasn't expected to achieve. I've even had foster parents telling me I wasn't capable of taking harder classes," she said. "That actually motivated me to achieve. I was very willing and driven."

McWilliams has been a Youth Specialist with the Texas Department of Family and Protective Services (DFPS) for five and a half years and thanks to tuition waivers and Education Training Voucher (ETV) funding, this May she'll graduate from the University of Texas in El Paso with a Bachelor's Degree in social work – eight years after she started post-secondary education. "I had a rocky transition, transferred back and forth from community colleges, dropped and failed classes, and have been on academic probation. It's taken me eight years, but my financial resources, along with the aftercare program, have enabled me to get it together," McWilliams said. She's also a single mother.

A. Judicial Practices

Court oversight and leadership elevates the importance of education for child welfare stakeholders.

- Make changes in judicial practices at all statutorily required hearings in child protection cases pursuant to the Texas Family Code, beginning with the Chapter 262 ex-parte or emergency hearing and continuing through the Chapter 263 placement review hearing, including:
  - Require more developmental and educational information to be provided in DFPS court reports
  - By court order, identify the education decision maker and individuals who hold specific education-related rights
  - Inquire about educational needs during hearings, including whether the youth have post-secondary education goals
- Amend the Texas Family Code to encourage greater oversight by courts regarding educational needs of children in foster care and to require more education advocacy on the part of children and youth's attorneys and guardians ad litem

B. Data and Information Sharing

Without the exchange of information between agencies and on a child-specific level among those who work with the child and family, the education and child welfare systems operate independently and sometimes at cross-purposes in meeting the educational needs of children and youth in foster care.

- Perfect and expand the routine exchange of aggregate data between agencies to determine how children in foster care in Texas are doing educationally and to evaluate improvements to those education outcomes over time
- Improve child-specific information sharing to ensure that all agencies and stakeholders have the necessary information to serve the education needs of children and youth in foster care

C. Multi-Disciplinary Training

Without training across disciplines, educators lack needed information regarding unique challenges facing children and youth in foster care, DFPS caseworkers lack sufficient knowledge of individual school district policies and practices, and court stakeholders lack adequate understanding of the importance of a child's appropriate educational placement as a well-being factor.

- Use existing stakeholder resources to promote training and raise awareness
- Improve judicial training and resources
- Expand training and resources for child caregivers and child welfare stakeholders
- Enhance training available to schools

D. School Readiness

Children ages 0-5 in foster care need to receive services and interventions to be ready to learn.

- Improve access to Early Head Start and Head Start
- Increase access to child care slots by additional populations of children involved with the foster care system
- Enhance knowledge of the child assessment process of young children

E. School Stability and Transitions

To achieve educational stability, children and youth in care should remain in their schools of origin, when feasible. If school change is necessary, the transition should be seamless.

- Create alternatives and expand use of transportation to keep children in their schools of origin when in their best interest
- Improve decisions regarding keeping children in their schools of origin
- Increase foster care capacity across school districts
- Implement Texas House Bill 826[3] and support foster care liaisons in each school district
- Support timely enrollment when children initially enroll or change school placements
- Improve timeliness and efficiency of transfer of accurate school records to new school placements
- Address issue of lost credits and improve credit transfer and recovery
- Support and maintain increases in school attendance

F. School Experience, Supports and Advocacy

Children and youth in care must have the opportunity and support to: fully participate in developmentally appropriate activities and in all aspects of the educational experience; have access to resources to prevent school dropout, truancy, and disciplinary actions; re-engage in the education experience; be involved, empowered and prepared to self-advocate in all aspects of their education; and have consistent adult support to advocate for and make education decisions.

- Improve education decision-making
- Promote and improve the quality of education advocacy
- Better coordinate evaluations and assessments
- Connect more regular education youth in care with school services and supports
- Address over- and under-representation of foster children in special education and improve special education experience
- Improve school experience of children and youth enrolled in charter schools affiliated with residential treatment centers
- Lessen frequency and severity of school disciplinary actions

G. Post-Secondary Education

Children and youth in care need support to enter and complete post-secondary education.

- Increase readiness for and access to post-secondary education
- Increase retention in and completion of post-secondary education
- Support post-secondary education success and employment

3. HB 826, passed by the 82nd Texas Legislature during the 2011 legislative session, requires school districts to appoint a foster care liaison to assist with school enrollment and education records transfer issues. Tex. Educ. Code Ann. §33.904.

H. Future Collaboration

Implementation of these recommendations requires the commitment of the Education Committee to long-term collaboration.

- Hold annual meeting of Education Committee to continue collaboration
- Create a task force to periodically meet to develop implementation plan and assess progress of implementation
- Support a statewide, multi-disciplinary education and foster youth summit
- Raise awareness among court, education, and child welfare stakeholders both in Texas and nationally
- Assist in the creation of tools, resources, and training

This report represents one goal of the Texas Action Plan developed in 2009. But the Education Committee asserts this report is just the beginning of ongoing, long-term efforts. The Education Committee encourages state and local leaders and stakeholders to review the report, work toward implementation of the recommendations, and continue working together to find solutions that will allow Texas' children and youth in foster care to reach their highest educational goals.

III. CALL FOR ACTION

A. National Focus on Child Well-Being Requires States to Improve Educational Outcomes

Congress passed the most sweeping child welfare law in a decade with the *Fostering Connections to Success and Increasing Adoptions Act of 2008*.[4] The *Fostering Connections Act* includes important provisions regarding the educational stability of youth in foster care, calling on child welfare agencies to keep the child in the same school, if possible. When not possible, the child must be promptly enrolled in a new school. The legislation also increases the amount of federal funding that may be used to cover education-related transportation costs and requires child welfare agencies to work with local education agencies to ensure educational stability. Passage of the *Fostering Connections Act* highlights the importance of improving educational outcomes of children and youth in foster care across the nation.

Key Educational Provisions from the *Fostering Connections Act:*

- School stability plan
  - Required consideration of proximity to current school and appropriateness of that school
  - Required collaboration to ensure child remains in same school
  - If not in best interest to stay, required collaboration to ensure immediate enrollment in new school
- Transportation included in definition of foster care maintenance payment
- State plan requirement to ensure enrollment and attendance
- Requirement for transition plan, including plans for education

In October 2009, the National Center for State Courts (NCSC) held its third National Judicial Leadership Summit on the Protection of Children in Austin, Texas, which was attended by Supreme Court justices, court administrators, and leaders in child welfare and education from around the country. During the summit, the Texas team developed and adopted a state action plan that included the goals of improving education outcomes for children and youth in care and keeping these children closer to their homes. The members of the Texas team envisioned that a special committee, comprised of state child welfare and education leaders and decision makers would work collaboratively on this important issue. The Children's Commission, a multi-disciplinary state-level organization that leads efforts to improve judicial handling of child welfare cases, was the perfect vehicle for launching this initiative.

B. The Texas Response – A Judicially Led, High-level Education Committee Looks at Broad Spectrum of Education Issues

The Supreme Court of Texas in May 2010 signed the *Order Establishing Education Committee of Permanent Judicial Commission for Children, Youth and Families*, creating the country's first court-ordered and judicially led committee of top-level leaders in education, child welfare and the judiciary dedicated to this topic. The Supreme Court named as chair the Honorable Patricia Macías, Children's Commissioner and presiding judge of the 388th District Court in El Paso. The membership of the Education Committee reflected the diverse ethnic, legal, and geographic communities in Texas and included three judges and, among other education and child welfare decision makers, the Commissioners of the Department of Family and Protective Services (DFPS) and Texas Education Agency (TEA), and the Executive Directors of the Texas Association of School Boards (TASB), the Texas Association of School Administrators (TASA), and Texas Court Appointed Special Advocates (CASA).

4. Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110-351; Sections 471 through 479, Title IV-E of the Social Security Act; 45 CFR 1355 and 1356.

In its order, the Supreme Court of Texas charged the Education Committee to:

- Identify and assess challenges to educational success of children and youth in the Texas foster care system;
- Identify and recommend judicial practices to help achieve better educational outcomes for children and youth in foster care;
- Seek to improve collaboration, communication, and court practice through partnerships with the Department of Family and Protective Services, the Texas education system, and stakeholders in the education and child protection community;
- Identify training needs regarding educational outcomes for the judiciary and for attorneys who represent DFPS, children, and parents in child protection cases;
- Seek to develop a collaborative model that will continue systemic improvement of educational outcomes;
- Make recommendations regarding the exchange and sharing of education-related data; and
- Provide the following to the Children's Commission:
  1) Preliminary Report regarding the first meeting of the committee and the committee's structural organization and goals by no later than December 31, 2010;
  2) Interim Report by no later than August 31, 2011 regarding the progress of the committee; and,
  3) Final Report by no later than March 31, 2012 regarding the progress of the committee and specific recommendations for further progress.

C. Supreme Court Charge and Guiding Principles Laid Groundwork for Education Committee

The Education Committee met frequently in person, by webinar, and through conference call over an 18-month period. At its inaugural meeting in September 2010, the Committee established its Guiding Principles, modeled after the *Blueprint for Change – Education Success for Children in Foster Care (2008)*, a guide produced by Casey Family Programs and the American Bar Association's Legal Center for Foster Care and Education.[5] While recognizing each of the three system's strengths and limitations and the challenge of improving outcomes in a state as diverse and large as Texas, committee members agreed on eight principles that clearly reflect what Texas children and youth in foster care need if they are to be successful educationally.

GUIDING PRINCIPLES:

Guiding Principle #1: Children and youth in care are entitled to remain in the same school when feasible

Guiding Principle #2: Children and youth in care experience seamless transitions between schools

Guiding Principle #3: Young children in care receive services and interventions to be ready to learn

Guiding Principle #4: Children and youth in care have the opportunity and support to fully participate in all developmentally appropriate activities and all aspects of the education experience

Guiding Principle #5: Children and youth in care have supports to prevent school dropout, truancy, and disciplinary actions, and to reengage in the education experience

Guiding Principle #6: Children and youth in care are involved, empowered and prepared to self-advocate in all aspects of their education

Guiding Principle #7: Children and youth in care have consistent adult support to advocate for and make education decisions

Guiding Principle #8: Children and youth in care have support to enter and complete post-secondary education

5. ABA Center on Children and the Law, Legal Center for Foster Care and Education, Blueprint for Change: Education Success for Children in Foster Care

D. Collaborative and Bold Spirit Underscored Initiative

With the Guiding Principles in mind, the Education Committee established ground rules for discussion:

1. The children and youth in the Texas foster care system are our responsibility and blame and finger-pointing would not be permitted;
2. Courts, education, and child welfare must all be represented in the discussion if a coordinated approach is to be established;
3. Lack of current funding options would not deter creative ideas;
4. All members must develop an understanding of the challenges other partners face, such as funding limitations; and
5. Communication is key to developing collaboration and continuing it in the future.

"Much of school district policy is created around the idea that parents will be partners in a child's education. The reality for children in foster care is that their parent is not a person, but rather the government-the State of Texas. As part of the government, school officials, along with case workers and officers of the court, bear special responsibility for the well-being and education of children and youth in care. We need to see them as our children, too." **–Joy Baskin, Director, Legal Services, Texas Association of School Boards, and Education Committee Member**

E. National Experts Provide Context, Expertise, and Technical Assistance to the Texas Collaborative

Shortly after the Supreme Court of Texas signed the order establishing the Education Committee, the committee sought the guidance of national experts Kathleen McNaught, J.D.,[6] the American Bar Association, and Debbie Staub, Ph.D.,[7] Casey Family Programs. As consultants, Ms. McNaught and Dr. Staub helped the Education Committee identify critical education issues facing Texas children in foster care and also served as presenters, meeting facilitators, and information resources.[8] Ms. McNaught and Dr. Staub provided national context to the Education Committee's study and work product. Their extensive knowledge was an invaluable contribution to the recommendations.

F. Subcommittee Structure Reflects the Collaborative Prototype

The state's geography and diverse population created a unique opportunity to structure an inclusive and well-represented collaborative. Subcommittee members, representing courts, education, and child welfare, were identified throughout the state with particular attention to representing Texas' diversity, resulting in over a hundred individuals to serve on four subcommittees and three workgroups. Subcommittee and workgroup members committed to following the Guiding Principles and the charge issued by the Supreme Court. Each subcommittee was co-chaired by representatives from the court, education and child welfare systems and included:

1. School readiness
2. School stability and transitions
3. School experience, supports, and advocacy[9]
   - School Discipline
   - School Services and Supports
   - Education Advocacy and Decision-Making
4. Post-secondary education

6. Kathleen McNaught, J.D., is the Assistant Director for Child Welfare at the American Bar Association Center on Children and the Law as well as the Project Director for the Legal Center for Foster Care and Education, a national technical assistance resource and information clearinghouse on legal and policy matters affecting the education of children in the foster care system.

7. Dr. Debbie Staub, Ph.D., is an Education Advisor for Casey Family Programs, a national operating foundation located in Seattle, Washington, that serves children, youth, and families in the child welfare system. In this role, she works collaboratively with others on systems improvement efforts to address the educational needs of children and youth in foster care nationally, statewide and locally. A former special education teacher, Dr. Staub has been an advocate for educational success for all youth for the past 25 years.

8. The technical assistance provided by Ms. McNaught and Dr. Staub was supported by Casey Family Programs and the National Child Welfare Resource Center on Legal and Judicial Issues.

9. Because of the breadth and complexity of issues the School Experience Subcommittee was charged to examine, the Subcommittee determined that it needed 3 additional workgroups to more thoroughly discuss specific issues: School Discipline, School Services and Supports, and Education Advocacy and Decision-Making.

Membership of 4 Subcommittees (100+ people)

- Judges
- Child Welfare
- State Education Agency
- Court Appointed Special Advocates (CASA)
- Foster Parents/Child Placing Agency
- Early Childhood Intervention (ECI)
- Head Start
- School Boards
- Disability Rights
- Appleseed
- Kids' Attorneys
- Parent Attorneys
- Former Foster Youth
- Casey Family Programs
- Children's Shelter
- Homeless Education Office
- Education Attorney
- Drop Out Prevention
- Charter School
- Association of School Administrators
- Educators
- School Counselors
- 4-year universities
- Youth services

Following the Supreme Court directives and guided by the Education Committee, each subcommittee established an action plan and set benchmarks for developing recommendations.

Charge to Subcommittees

1. Review federal and state statutes related to the education of foster children specifically directed to the subcommittee focus;
2. Utilize the Supreme Court's charge to the Education Committee as the subcommittee's framework;
3. Use the guiding principles established by the Education Committee to create and prioritize recommendations;
4. Assess challenges related to meeting the guiding principle(s) applicable to the subcommittee;
5. Remain cognizant of the correlation and inter-relationships between the other subcommittees' work;
6. Identify existing resources which support the subcommittee's guiding principles;
7. Prioritize issues identified by each subcommittee during assessment of challenges and resources;
8. Create short and long-term goals for each subcommittee plan of action based on the guiding principle(s) applicable to the subcommittee;
9. Develop written and oral reports regarding the work plan and actions taken pursuant to the work plan for subcommittee co-chairs to communicate to other subcommittee co-chairs and to the committee; and,
10. Develop recommendations to be provided to the committee for further progress at conclusion of the work period.

G. Building Consensus – The Texas Methodology

Between February and November 2011, the four subcommittees and three workgroups engaged in discussions to meet the directives of the Education Committee's charge. Throughout the months the subcommittees met, the subcommittee co-chairs provided quarterly updates to the Education Committee and received feedback from the committee about progress and next steps.

Education Committee: September 30-October 1, 2010, January 7, April 8, June 24, September 16 (joint meeting with 4 subcommittees), and December 8-9, 2011, February 9, and April 13, 2012

School Readiness: February 4 (joint meeting with other 3 subcommittees), March 1, April 5, May 3, June 7, July 5, August 1, September 16 (joint meeting with Education Committee and 3 other subcommittees), October 4, and November 1, 2011

School Stability: February 4 (joint meeting with other 3 subcommittees), February 24, March 31, April 28, June 8 (joint meeting with School Experience Subcommittee), June 30, July 28, August 25, September 16 (joint meeting with Education Committee and 3 other subcommittees), September 29, and October 27, 2011

School Experience: February 4 (joint meeting with other 3 subcommittees), March 9, April 13, May 11, June 8 (joint meeting with School Stability Subcommittee), July 13, August 17, September 16 (joint meeting with Education Committee and 3 other subcommittees), and November 9, 2011

School Experience Workgroups:

- **School Discipline:** May 24, June 21, July 19, September 20, and October 18, 2011
- **Education Decision-Making and Advocacy:** June 13, August 23, and September 15, 2011
- **School Services and Supports:** May 27, June 10, July 22, and August 19, 2011

Post-Secondary Education: February 4 (joint meeting with other 3 subcommittees), February 25, March 25, April 29, May 27, June 23, July 29, August 26, September 16 (joint meeting with Education Committee and 3 other subcommittees), September 30, and October 28, 2011

The subcommittees devoted the first series of meetings to fact-finding about the issues identified in the Education Committee's charge: 1) challenges; 2) existing resources; 3) law, policy and practice; 4) data and information sharing; 5) multi-disciplinary training; and 6) judicial practices. Because of the multi-disciplinary composition of the Education Subcommittees, discussions regarding educational outcomes of foster children and youth reflected the perspective of the judiciary, education, and child welfare.

In September 2011, the Education Committee held a joint meeting with the four subcommittees in Austin. The September meeting represented a turning point in this initiative – moving from a discussion and information gathering phase to the development of recommendations. The recommendations in this report result from many conversations that occurred over the months preceding the September meeting and were modified after more discussion among the subcommittees between September and November 2011. The discussions included divergent voices representing many organizations and professional roles. Although not every subcommittee member agreed with every recommendation, after months of debate and trying to understand the challenges of other systems, members generally agreed in principle.

On December 8-9, 2011, the Education Committee held a key meeting in El Paso, Texas, which marked the culmination of information gathering and exchange, discussion, and compromise. It represented a milestone in the charge issued by the Supreme Court of Texas as Education Committee members conferred, modified, clarified and refined the recommendations submitted by the four subcommittees and three workgroups. At the El Paso meeting, the members defined consensus and reaffirmed the importance of a common vision. Ultimately, the members decided that a super majority, with a balance of voices from education, child welfare and the courts, was required to support each recommendation. The committee also decided that although everyone might not agree with the specific wording of a recommendation, all members supported the concept. The result was consensus on most recommendations with an agreement to continue discussion on those calling for further deliberation.

A follow-up meeting held in February 2012 focused on recommendations requiring more discussion. It was decided that commentary to the recommendations was necessary, to note reservations about fiscal impact or implementation or to provide context to the recommendation's purpose and reasoning.

"Collaboration is key to achieving improved education outcomes for children in foster care. Texas is a shining example of collaboration. Forged by strong judicial leadership and invaluable staff support provided by the Permanent Judicial Commission, the Committee brought the right array of leaders together-from child welfare and education as well as other critical stakeholders-to make change. Over an 18-month period, these committee members worked together, built a trusting relationship, identified existing strengths and resources as well as gaps in policy and practice, and made meaningful recommendations that have the potential to transform how courts monitor and agencies provide educational services and supports to children in care. Successful implementation of these recommendations will create lasting change in the lives and futures of children and youth in foster care in Texas." – **Kathleen McNaught, Assistant Director, American Bar Association Center on Children and the Law, Legal Center on Foster Care and Education**

IV. RECOMMENDATIONS

"School-aged children in foster care are involved in multiple systems (education, child welfare, and the courts). These three systems independently make very important decisions in the life of a child, and a decision in one system can have lifelong implications in another. We are interconnected because of these children, and it is imperative that we work together to achieve the best outcomes for them as none of us can accomplish this by ourselves." – **Audrey Deckinga, Assistant Commissioner, Child Protective Services, DFPS**

The committee's recommendations incorporate legislative, policy, and practice changes for all three systems – courts, child welfare and education. Charts of the recommendations in the appendix show which entity or entities are critical for leading or participating in their implementation and whether there is a fiscal note attached. In the following pages, the Committee's recommendations are grouped by issue or relevant Supreme Court charge, followed by strategies and commentary to achieve them.

Charge to the Education Committee -- Make Recommendations about the following:

1. Improve educational outcomes of children in foster care by **utilizing existing resources**
2. Identify and recommend **judicial practices** to help achieve better educational outcomes for children and youth in foster care
3. Identify **multi-disciplinary training** needs regarding education outcomes, including for the judiciary and for attorneys who represent DFPS, children and parents
4. Improve **exchange and sharing of education-related data**
5. Develop a **collaborative model** to continue systemic improvement of educational outcomes

"The Texas Supreme Court-ordered Education Committee represents an unprecedented step to address the needs of youth served by the child welfare system. It was so important for Casey Family Programs to be a part of the collaborative process between leadership from the highest levels of the Texas education and child welfare systems and the judiciary. The recommendations for systems change on behalf of the child welfare population are truly compelling and represent a deep commitment from those involved to ensure educational success for youth in care." – **Carolyne Rodriguez, Senior Director, Texas Strategic Consulting, Casey Family Programs, and Education Committee Member**

"Try as it might, no child welfare agency can do it alone. The needs of abused and neglected children in foster care are too big and too complex. It takes every person who has a role in a child's life to ensure that each child has what he or she needs to succeed in life. That means family members, foster parents, caseworkers, teachers, counselors, attorneys and judges, who far too often are the only constant in a child's life."

– Anne Heiligenstein, Senior Policy Consultant, Casey Family Programs, Education Committee Member, and immediate past DFPS Commissioner

A. Judicial Practices

Courts play a critical role in child welfare cases. No child enters or leaves foster care without a court order. Every day, Texas courts decide whether children return home, live with relatives, or become legally free for adoption.

Courts have the power to effect systemic change by creating awareness about the importance of education in the life of a child in care. Once a judge requires information about the child's educational needs, all court participants, including the DFPS caseworker and the child's attorney and guardian ad litem, are more likely to highlight the information at the next hearing.

Day	Timeline of Required Hearings in DFPS Legal Cases
0	**Ex parte or Emergency Hearing authorizing DFPS to take possession of the child**
14	**Full Adversary/14-Day Hearing**
60	**Status Hearing**
180	**First Permanency Hearing**
300	**Second Permanency Hearing**
300-365	**Trial/Final Order, unless dismissal date extended**
420	**Third Permanency Hearing, if extended or monitored return to parent**
365- 545	**If Extended, Trial/Final Order or Monitored Return to Parent**
545+	**Post-Final Order Efforts to Achieve Permanency –** If the child is placed in the permanent managing conservatorship (PMC) of DFPS, periodic placement review hearings are held at least every 180 days until the child finds a permanent home.

The Judicial Practices recommendations that follow apply to hearings held pursuant to Texas Family Code Chapters 262 and 263, which deal with child abuse and neglect lawsuits involving DFPS. As the committee discussed this set of recommendations, it struggled to balance safety considerations, possible disruption of a child's school placement, and proximity to the child's home community.

When considering educational and placement options for a child or youth in foster care, the paramount concern is safety, followed by continuity of family connections. If there is a relative or fictive kin available for placement, then that option must be pursued and may result in a school change due to distance.

With their recommendations, committee members seek to insert a child's educational stability into the routine evaluation process of courts and DFPS when they determine to remove a child from home. By positioning educational stability as a consideration early in the process, it is hoped children maintain school and community ties, whenever possible.

"All foster children have educational needs, from meeting the early developmental milestones of newborns to navigating the post-secondary challenges of those in extended care. Courts are best positioned to coordinate oversight and ensure excellent educational outcomes for the children under their jurisdiction. When courts consistently set expectations for foster children's educational outcomes, advocates respond proactively; when judges collaborate with stakeholders, systems change for the better." – **The Honorable Rob Hofmann, Child Protection Court of the Hill Country, Education Committee Member and School Experience Subcommittee Co-Chair**

Child's Journey Through Foster Care

Report of child abuse or neglect.

Parent's home

Child not safe at home.

Court

Court determines where child will be placed.

Foster home

Court sends child to foster home with services.

or

Relative's home

Court sends child to a relative's home with services.

or

Parent's home

Court sends child home with or without services.

Court

Court reviews progress and determines if:

- the child will return home,
- parental rights will be terminated so the child is free for adoption,
- the child will live permanently with a relative, or
- the child will stay in foster care longer.

Foster home

Child remains in foster care while options for permanent family are explored.

or

Permanent home

Parental rights terminated. Child adopted or custody given to another caregiver.

or

Parent's home

Family completes reunification plan. Child returns home.

This graphic is modified from *Educating Youth in State Care*, Initiative on Utah Children in Foster Care, May 2009, pg 5.

1. Recommendation: Enhance Judicial Decision-Making on Education Issues at All Statutorily Required Hearings under Texas Family Code Chapters 262 and 263, Excluding Ex Parte Hearings

1.1 Strategy: *Amend Family Code §262.201 to require courts to include identity of the education decision maker in relevant court orders. Develop standard language to be included in court orders regarding education decision maker and decision-making rights, including emergency orders.*

Commentary: Depending on the jurisdiction, court orders do not routinely identify the child's education decision maker or delineate which person holds specific education decision-making rights, such as school placement or who may attend school activities. The absence of this specific designation creates confusion for caseworkers, foster parents, and educators. Naming who has specific education rights and duties, including the authority to make specific education decisions – DFPS, the child's caretaker, or the child's biological parent – will clarify the roles and responsibilities.

1.2 Strategy: *Develop a stand-alone court order outlining educational rights and duties of parents, conservators, DFPS, guardians and attorneys ad litem, and others. Require DFPS to provide a stand-alone order to schools, as soon as possible, within 15 business days of written receipt.*

Commentary: The committee discussed the idea of a stand-alone education order that does not contain sensitive information regarding the family, similar to an order currently used in some jurisdictions to designate the child's medical consenter. The order would unbundle educational rights typically granted to a parent, including access to educational records, notice of and attendance at educational and extracurricular meetings and events, education decision-making authority, including the *Individuals with Disabilities Education Act (IDEA)* authority for special education, and other rights and duties. It should also include confidentiality notices and warnings. Not every stand-alone order will involve or contain instructions for a surrogate parent; this is applicable only to those children and youth in foster care receiving special education services. If the child or youth is eligible for special education services, the orders need to be *IDEA* compliant.

Finally, education stakeholders voiced the need to know who to contact about specific school-related matters and when the contact should take place, thus the need to provide the education-related order to schools as quickly as possible, but certainly no later than the 15th day after receipt by DFPS.

1.3 Strategy: *Address school placements during all statutorily required hearings and require court reports to include the following information about the child's educational needs: whether the child's school changed, and if so, reasons for the school change; whether the child is currently enrolled in school; whether there are any issues related to record and credit transfer; and whether an education portfolio has been created for the child and is both up to date and located at the child's current placement.*[10]

Commentary: Some courts already inquire about education-related matters during DFPS hearings; this practice needs to be elevated and encouraged. Requiring DFPS to include specific school-related information in its court reports allows judges to monitor and address education issues during the hearing.

1.4 Strategy: *When appropriate, appoint the guardian ad litem or CASA as the surrogate parent under IDEA. Consider such appointments for all children in residential treatment center (RTC) placements.*

Commentary: A surrogate parent must be appointed for children and youth in foster care who receive special education services. The Texas Family Code authorizes the assignment of a volunteer advocate appointed in a DFPS case to act as a surrogate parent for a child if: 1) the child is in the conservatorship of DFPS; 2) the volunteer advocate is serving as the guardian ad litem; and 3) a foster parent of the child is not acting as the child's surrogate parent.[11] This strategy is not meant to be construed that an automatic appointment of the guardian ad litem or CASA as a surrogate parent in every case is a best practice, but there are times when it is not appropriate to appoint a relative or foster parent as the surrogate parent for a child who is receiving special education services. In those situations, a trained guardian ad litem or CASA may be the most appropriate person to serve in that role. Additionally, if a child is placed in a residential treatment center, staff of that facility should not act as a surrogate parent.

10. Tex. Fam. Code Ann. §266.008. The Education Portfolio was statutorily mandated by the Texas Legislature in 2005. In reality, it is a binder with hard copies of the child's educational records, which goes with the child from placement to placement.
11. Tex. Fam. Code Ann. §107.031(c).

During School Experience Subcommittee meetings, the members discussed the role of children's attorneys and guardians ad litem appointed in DFPS cases during Admission, Review, and Dismissal (ARD) meetings.[12] Pursuant to federal *IDEA* law, persons who meet the definition of "parent", including those who are appointed as surrogate parents, determine who may be invited to and participate in an ARD meeting. Court orders requiring that attorneys and guardians ad litem participate in an ARD, if contrary to the wishes of the parent or surrogate, do not comport with federal law. The Texas Education Code requires TEA to develop a statewide plan for the delivery of services to children with disabilities in Texas, which shall include procedures designed to ensure that individuals assigned to act as surrogate parents are required to consult with persons involved in the child's education, including teachers, caseworkers, court appointed volunteers, guardians ad litem, attorneys ad litem, foster parents, and caretakers.[13] Although there is no provision in state law that directly requires surrogate parents to consult with these persons, this is clearly envisioned.

The court may consider instructing any court appointed surrogate parents, including CASA or the guardian ad litem, of their obligation to invite necessary parties to attend ARD and Individualized Education Program (IEP) meetings.[14]

2. Recommendation: Enhance Judicial Decision-Making on Education Issues at Ex Parte or Emergency Hearings and 14-Day Adversary Hearings

2.1 *Strategy:* *During an ex parte hearing in which a court orders removal of a child, consider the appropriateness of the child's school selection determination by DFPS, including whether the child should remain in the school of origin, and make orders as appropriate.*

Commentary: It may be argued that an ex parte hearing is not the appropriate forum to ask about the education placement of the child because the court is focused on immediate danger to the child and if reasonable efforts were made to prevent removal. However, at the ex parte hearing, if the court approves removal of the child from home, calling for an out of home placement, the child may be placed in a foster home outside of the home school district. This results in the child being enrolled in a new school prior to the time the court holds the 14-day adversary hearing. At the 14-day hearing, the school change has already occurred, making consideration of whether it's in the child's best interest for the child to remain in his school of origin untimely and ineffective at avoiding an unnecessary disruption to the child's schooling.

Because of the nature of DFPS emergency removals, which sometimes occur very quickly or late at night, and the statutory requirement that a lawsuit be filed and an initial hearing be held before or on the first working day after the child is taken into possession,[15] caseworkers conducting the child abuse and neglect investigation may lack knowledge about the child's school of origin, including the name and location of the school and how the child is faring educationally, at the time the ex parte or emergency hearing is held.

> "I did not realize how much a child's education was effected by each move from foster home to foster home. This process made me realize that with any change in a child's current placement, everyone has to consider how this will affect the child's long-term education." – **Claudia Canales, Attorney at Law and Education Committee Member**

2.2 *Strategy:* *Inquire whether the caseworker verified that the caretaker or foster parent immediately enrolled the child in a new school and, if applicable, whether all relevant school records have been transferred.*

Commentary: The Texas Family Code requires that the first Adversary Hearing be held within 14 days of the child's removal, hence some jurisdictions call it the 14-Day Hearing. In some cases, the first adversarial hearing may be held quickly – sometimes within a few days of the ex parte order. This may impact the caseworker's ability to ascertain whether the child has been enrolled and relevant records have been transferred to the new school. If the records have not been transferred, consider whether to direct DFPS, CASA, or the attorney ad litem to assist with issues related to the records transfer. The sending school should send the receiving school a copy of the records when notified about the change in enrollment.

12. ARD meetings are held by a student's ARD committee, which includes a student's parent(s) and school personnel who are involved with the student. The ARD committee determines a student's eligibility to receive special education services and develops the individualized education program (IEP) of the student.
13. Tex. Educ. Code Ann. §29.001(10).
14. An IEP includes the student's present levels of performance, measurable annual goals including benchmarks and short-term objectives, specific supports and modifications, dates of service, and evaluation procedures.
15. Tex. Fam. Code Ann. §262.106(a).

2.3 Strategy: *Require DFPS court reports to include why it was not possible to keep a child in his school of origin when removed from the home.*

2.4 Strategy: *Inquire whether appropriate efforts were made to allow the child to remain in the child's school of origin.*

Commentary: Application of the *Fostering Connections Act* requires the child welfare agency to keep a child in the school of origin, unless it is not in the child's best interest to do so.[16] However, "best interest" also has specific meaning in Texas statute. The best interest of the child shall always be the primary consideration of the court in determining issues of conservatorship and possession of and access to a child.[17] Best interest factors are statutorily defined and considered when the court and DFPS are determining whether the child's parents are willing and able to provide the child with a safe environment.[18]

Because of the importance of best interest language in the Texas statutory framework, this recommendation reflects the need of the court to examine the efforts made to allow the child to remain in his school of origin, but to use language in the court order that will not cause confusion with existing best interest terminology in Texas child welfare law.

3. Recommendation: Enhance Judicial Decision-Making on Education Issues at Status, Permanency, and Placement Hearings

3.1 Strategy: *Add consideration of education issues to findings made pursuant to Texas Family Code §§263.306 [Permanency Hearings] and 263.503 [Placement Review Hearings].*

Commentary: Currently, courts are required pursuant to Texas Family Code Chapter 263 to make certain findings during Permanency and Placement Review Hearings, but the required findings do not specifically address education issues.

3.2 Strategy: *Amend Texas Family Code Chapter 107 to add the following to the duties and responsibilities of attorneys and guardians ad litem appointed in DFPS cases - Inquire into the scheduling of a child's physiological, psychological, and educational assessments and treatment, prior to statutorily required hearings under Texas Family Code Chapter 263, beginning at the Status Hearing.*

Commentary: This strategy emerged after members of the School Readiness Subcommittee expressed concerns that, in some jurisdictions, children's assessments to determine developmental delays were not being conducted in a timely fashion. This duty needs to be codified by making it part of the attorney and guardian ad litem requirements, rather than simply encouraged as a best practice. There is recognition that this may add to the workloads of attorneys and guardians ad litem, but committee members noted that attorneys and guardians ad litem who are effective advocates for their child clients already likely engage in this practice.

3.3 Strategy: *If applicable, use a court order to allow access by DFPS to Early Childhood Intervention (ECI) records.*

Commentary: ECI is a federally funded program implemented by states to provide supports and services to young children (birth to 3 years-old) who have developmental disabilities. Local ECI programs produce records relating to the provision of these services to children. For purposes of receiving notices, consenting to evaluations or services, or consenting to the release of records, *IDEA* defines a "parent" as the biological, adoptive or foster parent, but not the child welfare agency. The Department of Assistive and Rehabilitative Services (DARS), which oversees the ECI program, interprets this to mean that records produced and maintained by individual ECI programs may be provided to the caretaker of the child, but not directly to DFPS.

3.4 Strategy: *If feasible, schedule court hearings for school-aged children outside of school hours.*

Commentary: This recommendation is a best practice to lessen school disruptions. There are some jurisdictions where additional expenses to the county related to holding court outside of business hours, either at night or on weekends, may be too cost prohibitive. There will also be a fiscal implication to DFPS as staff will be required to work extended hours to comply with the recommendation, possibly resulting in overtime.

16. Guidance on Fostering Connections to Success and Increasing Adoptions Act of 2008, ACYF-CB-PI-10-11 July 9, 2010 Program Instructions, Available at http://www.acf.hhs.gov/programs/cb/lawspolicies/policy/pi/2010/pi1011.htm.
17. Tex. Fam. Code Ann. §153.002.
18. Tex. Fam. Code Ann. §263.307.

3.5 Strategy: *Encourage DFPS and their contractors, whenever possible, to schedule therapy sessions and parental/sibling visits outside of school hours.*

Commentary: DFPS Residential Child Care Licensing (RCCL) contract term Section 15(A)(viii) currently states: "Contractor shall minimize disruptions to a child's education by scheduling therapy and other appointments outside school hours, whenever possible."

3.6 Strategy: *Amend Texas Family Code Chapter 107 to add the following duty and responsibility of attorneys and guardians ad litem appointed in DFPS cases – To be knowledgeable about the child's educational needs and goals, including special education, whether child is at grade level, school behavioral interventions, ARDs/IEPs, extracurricular activities, and whether the child has a post-secondary education goal.*

Commentary: Again, this adds to the duties and responsibilities of attorneys and guardians ad litem appointed to represent children in DFPS cases. Because of the importance of the ad litem having knowledge about the child's education situation, it is recommended that this also be codified. As in the earlier recommendation, attorneys and guardians ad litem engaging in effective representation already participate in this activity.

Of note, this responsibility does not require independent investigation but it does necessitate knowledge of the child's educational status, which may come from sources other than the school, such as the court-designated education decision maker.

3.7 Strategy: *Authorize guardians ad litem to request hearings regarding educational needs between statutorily required hearings.*

3.8 Strategy: *Encourage youth participation in permanency and placement review hearings to enable discussion of post-secondary education goals.*

3.9 Strategy: *During hearings, as age appropriate, emphasize to youth and caregivers that post-secondary education, including a vocational track, is a viable option for youth in care.*

Commentary: During meetings of the Post-Secondary Education Subcommittee, one recurring theme was the need to begin emphasizing post-secondary education - whether it is a 2 or 4-year institution of higher education or vocational training - to youth in care. Members noted the intent is for this practice to begin early, but certainly by the time the youth enters middle school. Youth who transition out of foster care at age 18 are eligible for certain education-related benefits, but not all of them are able to take advantage of these opportunities because they lack knowledge of them. If the court emphasizes the importance of post-secondary education to older children and youth in foster care during hearings, it elevates the importance not only to the youth, but also to the youth's caretaker and other involved stakeholders.

3.10 Strategy: *Require DFPS to include in court reports information that has been made available to DFPS regarding school discipline actions which resulted in juvenile or municipal court action, including Class C ticketing, or any modifications to IEPs.*[19]

Commentary: To effectively implement this recommendation, the onus is on children's caretakers to relay information regarding Class C ticketing and other school disciplinary actions to DFPS, which might not otherwise find out about the event. DFPS recently overhauled its court report template. It now contains prompts to caseworkers to include information regarding education, including school disciplinary actions. If school disciplinary action information is made available to a caseworker, it should be included in the court report to inform the court. Prior to requiring this information in court reports, an analysis must be made of whether it might violate student privacy rights pursuant to the *Family Educational Rights* and *Privacy Act (FERPA)* and expose school districts to liability.

3.11 Strategy: *Continue the appointment of the attorney and guardian ad litem, especially CASA, on the case to address education issues until the youth permanently leaves care. If the attorney ad litem is dismissed before the youth leaves care, identify an education advocate by court order.*

Commentary: Some jurisdictions dismiss attorneys ad litem at the time a final order is entered appointing either DFPS or a person as Permanent Managing Conservator (PMC) of the child. If DFPS is appointed as the PMC, the case continues under court jurisdiction until the child reaches permanency. Continuing the appointment of an advocate for the youth, especially CASA, after the entry of the final order is ideal, but if this can't occur, it is crucial for the court to identify an education advocate to address school-related issues that may arise.

19. Tex. Penal Code Ann. §12.23 (Tickets issued within the school setting are Class C misdemeanors, which may result in a fine up to $500).

3.12 Strategy: *Require the youth's attorney or guardian ad litem to participate in an exit interview with the youth to ensure awareness of post-secondary education options.*[20]

Commentary: This strategy originated in the Post-Secondary Education Subcommittee, which felt that youths' attorneys or guardians ad litem are in the best position to discuss post-secondary education options with the youth before they leave care to make sure they understand their education options and how to access them. The exit interview may be done in conjunction with a youth's circle of support.[21]

Counties are responsible for the payment of fees incurred by attorneys appointed to represent children and parents in DFPS cases;[22] increasing the responsibilities of attorneys representing older youth will result in a fiscal note on a local rather than state level. If the guardian ad litem for the child is a volunteer advocate, the county will not incur additional expenses.

3.13 Strategy: *When a child reaches the age of 14, require post-secondary education planning to be included in court reports, such as post-secondary education goals, availability and completion of the American College Testing Assessment (ACT) and/or the Scholastic Assessment Test (SAT), and whether the youth has submitted college or technical school applications.*

Commentary: The recommendation was changed to require the inclusion of the availability and completion of ACT/SAT tests, rather than test scores, based on input from youth in care about having test scores revealed in court reports. Availability refers to testing dates and sites available in the child's locale. Initially, the age minimum was 16, but some members felt it important to lower the age minimum to encourage earlier discussion of post-secondary education goals and to assist with college readiness. There are some post-secondary education readiness activities that will not occur until a later age, such as submitting college or technical school applications, but the education planning and goal setting may and should occur earlier.

20. Please find a chart detailing post-secondary education opportunities for qualifying former foster youth in this report's appendix.
21. Circles of Support are offered to youth beginning at 16 years of age. This is a facilitated meeting with participants youth identify as "caring adults" who make up their support system, such as a youths' foster care providers, teachers, relatives, church members, or a mentor. Participants review the youth's transition plan, identifying strengths, hopes and dreams, goals and needs in the areas of education, employment, health/mental health, housing, and life skills training components.
22. Tex. Fam. Code Ann. §107.015(c).

3.14 Strategy: *Require that a letter from DFPS with information about the education/training voucher and tuition fee waiver be attached to any final order appointing a person as Permanent Managing Conservator (PMC) of a youth age 16 or older.*

Commentary: At times, when youth exit the Permanent Managing Conservatorship of DFPS to enter the Permanent Managing Conservatorship of relatives or kinship care providers, they lack information about education and training voucher and tuition fee waiver opportunities for which they may qualify. When a final order for a youth age 16 or older appoints PMC to anyone other than DFPS, DFPS will attach a letter about these educational opportunities to the order.

B. Data and Information Sharing

In 2010, TEA and DFPS entered a Memorandum of Understanding (MOU) as required by Senate Bill 939, enacted by the 81st Texas Legislature, agreeing to share data between the two agencies.[23] Through PEIMS, TEA requests and receives public education data from school districts, including student demographic and academic performance, and personnel, financial, and organizational information. DFPS collects, stores, and analyzes child welfare data in its Information Management Protecting Adults and Children in Texas (IMPACT) system, its Statewide Automated Child Welfare Information System (SACWIS). Since signing of the MOU, education data has been exchanged on several occasions and DFPS and TEA continue to discuss expanding the number of education outcomes exchanged. Additional data, as mentioned below, will be added to the exchange as the need is identified.

Although the state has made significant progress with aggregate data sharing on the agency level, much work needs to be done regarding child-specific information, including in-depth analysis of the barriers presented to information sharing because of federal and state law and of the delicate balance between a caseworker and school personnel's need to know certain information and the child and family's right to privacy.

23. Tex. Educ. Code Ann. §7.029.

1. Recommendation: Perfect and Expand the Routine Exchange of Aggregate Data between Agencies to Determine How Children in Foster Care Fare Educationally and to Evaluate Improvement in those Education Outcomes over Time

1.1 Strategy: *Include Pre-Kindergarten (Pre-K) enrollment data in the data shared between TEA and DFPS under the existing MOU.*

1.2 Strategy: *Develop a method of determining the number of children and youth who remain in their schools of origin after entering substitute care, possibly through use of DFPS' IMPACT system.*

1.3 Strategy: *Determine a method to begin tracking school mobility (change of school placements) of children and youth in foster care in aggregate form and to share this data between DFPS and TEA under the existing MOU.*

Commentary: The *Fostering Connections Act* highlights the importance of school stability. These strategies arose from questions, including: "How many children remain in their school of origin when they enter the legal custody of DFPS?" "Do children change schools every time they change residential placements?" "How often do children in foster care change schools?" At present, there is no data collected on school stability, but it may be possible to collect via the DFPS IMPACT system or through use of other technology. The TEA PEIMS system does not collect dates of enrollment or withdrawal for all students, but may be able to provide aggregate data for the number of changes in schools for foster care students in the data report that is given to DFPS under the existing MOU.

1.4 Strategy: *Annually identify school districts with significant foster youth populations as determined by TEA and DFPS. Work with the identified districts and their House Bill (HB) 826 foster care school district liaisons to identify best practices and areas in need of improvement.*

Commentary: HB 826, passed by the 82nd Texas Legislature during the 2011 legislative session, requires school districts to appoint a foster care liaison to assist with school enrollment and education records transfer issues.[24] To assist these liaisons, DFPS and TEA will begin to identify school districts with significant foster care populations on an annual basis, to work with the HB 826 liaisons to identify best practices, and to discuss possible improvement areas. The definition of a significant foster care population will be determined by DFPS and TEA. For example, "significant" may mean students in care equal 5 percent or more of the total student population in a district or number 100 or more students in the district.

1.5 Strategy: *Determine feasibility of DFPS providing data to the Public Policy Research Institute (PPRI) at Texas A&M University to compare data on foster youth to data collected regarding students who were part of the Justice Center study on school discipline and its relation to student success and juvenile justice involvement.*

Commentary: In 2011, the Council of State Governments Justice Center, in partnership with PPRI, released a statewide study of nearly 1 million Texas public secondary school students, who were followed for at least six years.[25] It represents an unprecedented look at school discipline outcomes of Texas students. Although some aggregate school discipline data is being exchanged between DFPS and TEA, a match with the data collected by PPRI would provide a clearer picture of long-term school discipline outcomes of children and youth in foster care.

1.6 Strategy: *Include in the aggregate data, as tracked by PEIMS and shared between TEA and DFPS under the existing MOU, each restraint by school personnel of a child in the temporary or permanent managing conservatorship of DFPS.*

Commentary: House Bill 359, enacted by the 82nd Texas Legislature in 2011, requires school districts to submit to TEA, in accordance with standards provided by commissioner rule, information relating to the use of restraints by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. The report submitted must be consistent with the requirements adopted by commissioner rule for reporting the use of restraints involving students with disabilities.[26] The use of restraints in the school setting involving children and youth in care will need to be tracked in addition to other discipline related outcomes provided to DFPS by TEA.

1.7 Strategy: *Develop a method to track and exchange information between juvenile justice, TEA, Independent School Districts,*

24. Tex. Educ. Code Ann. §33.904.

25. Council of State Governments, *Breaking School Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement.* Available at http://justicecenter.csg.org/resources/juveniles.

26. Tex. Educ. Code Ann. §37.0021(i).

and DFPS about school-related offenses and school disciplinary action of children and youth in care on an aggregate level. TEA to continue to provide aggregate data about student disciplinary actions as currently provided pursuant to the TEA/DFPS MOU.

1.8 Strategy: *Determine what data needs to be collected by DFPS, the Texas Higher Education Coordinating Board (THECB), and post-secondary education campuses. Define the purpose of the data, identify data collection methods, and determine which entity has the capability to collect, disseminate and report the data.*

Commentary: Some data regarding post-secondary education and youth formerly in foster care is collected by the THECB, some by individual post-secondary education institutions, and some by DFPS, but the data does not show the youth's educational level, how many times a youth used a tuition fee waiver per academic year, and whether the student is a new or existing waiver user – all information that DFPS and post-secondary education institutions might use to better allocate resources and identify trends. The purpose of the data may include tracking higher education outcomes of former foster youth by semester and/or academic year for state and national data reporting, tracking enrollment, grade levels, and current grade point average (GPA) status of former foster youth by academic term or semester, and identifying youth who are academically at-risk.

1.9 Strategy: *Develop methods to promote exchange of data and other information between DFPS, THECB, and post-secondary education campuses, which may include entering into MOUs or other formal or informal agreements.*

Commentary: There is some exchange of data between DFPS, THECB, and post-secondary education campuses, but not on a routine basis or with a definitive distribution plan.

1.10 Strategy: *Develop a consistent, statewide process or procedure for post-secondary education campuses to utilize for identifying foster or former foster youth who enroll.*

Commentary: Some post-secondary education institutions collect data regarding the enrollment of youth formerly in foster care, but the method by which this occurs varies from institution to institution. Identifying facts may include the tuition and fee waiver, Free Application for Federal Student Aid (FAFSA) application, or education/training voucher. As the subcommittee and committee members discussed the recommendation, all recognized the need for balance between the data collection mechanism and the right of privacy of the student. Striking the balance will be critical and will require input from students who were formerly in foster care. A statement or agreement should be provided notifying the youth of the reasons for the identification for data collection purposes or notification of campus supports and initiatives.

1.11 Strategy: *Develop a method to determine the number of youth enrolled in post-secondary education at risk of loss of financial aid due to poor academic standing or dropping out for a semester.*

Commentary: Revision of the Code of Federal Regulations, effective July 1, 2011, regarding Qualification for Federal Student Aid, requires that the student maintain satisfactory academic progress.[27] If the student fails to do so, the post-secondary education institution may place the student on academic probation or implement an appeals process, putting the student at risk of losing federal financial aid. By developing a method, which may include cross-checking youth that use the tuition fee waiver, to track this group of youth, post-secondary education institutions, DFPS, and other stakeholders may be able to provide assistance to avoid students dropping out of school or losing financial aid.

2. Recommendation: Improve Child-Specific Information Sharing to Ensure that All Agencies and Stakeholders Have the Necessary Information to Serve the Education Needs of Children in Foster Care

2.1 Strategy: *Include Pre-K enrollment and/or Preschool Programs for Children with Disabilities (PPCD) records in the Education Portfolio.*

Commentary: All school-aged children in foster care are required to have an education portfolio but they do not contain sections specific to Pre-K enrollment or preschool programs for children with disabilities. DFPS has agreed to encourage caretakers to include this information in the portfolio.

2.2 Strategy: *Establish policies regarding the identification of students in foster care upon enrollment in a school, with appropriate safeguards to ensure confidentiality and privacy, but aimed at expediting the delivery of services and interventions.*

27. 75 Fed. Reg. 66953 Amends 34 CFR 668.34 (Eff. July 1, 2011).

Commentary: Subcommittee members and stakeholders asserted that schools do not always know when an enrolling student is also a child in foster care. It may be important for school personnel to know so they can help meet the child's unique needs. The school's registrar may be aware of the child's status because she sees the documents used to enroll the student, but this information is not necessarily shared with the school's administrators or even the child's teacher. Several child welfare stakeholders expressed concern that if a child is labeled as a foster child, this may have negative repercussions for the child or may invade the child's privacy. More than one youth currently or formerly in care has stated that they do not want the schools to know that they are in foster care, thus the need to make sure any policies established to facilitate school enrollment of students in foster care have appropriate safeguards to guarantee confidentiality and privacy. Training on enrollment needs to be provided to DFPS caseworkers, school personnel, and caretakers, not to mention the new foster care liaisons in the school districts.

2.3 ***Strategy:*** *Develop a handbook or protocols for DFPS and schools to give guidance/ requirements for the use of sensitive information regarding children or youth in care.*

Commentary: This recommendation goes beyond the sharing of information at the time a child is enrolled in school – it looks at the big picture of what information DFPS has in its possession and which of that information is appropriate to share with schools and when. DFPS should be the entity to take the lead on this strategy with feedback from youth currently and formerly in care, and education, child welfare, and court stakeholders. The guidelines should include a matrix of information held by DFPS and desired by schools broken down by information that may always be shared, never be shared, and sometimes shared, as needed.

2.4 ***Strategy:*** *Create a new or utilize an existing method, such as a child information sheet, to alert schools about who may have contact with a child or pick up the child from school, and develop a procedure to keep the information current.*

Commentary: When a child comes into the legal custody of DFPS, if the child remains in his school of origin, the school needs to know what type of contact the parent is able to have with the child. If the child moves to a new school, that school will need to know who may have access to the child or the child's educational records. This information is not always passed along to the school, leaving the school in the dark about who may interact with the child on school grounds and at school functions or who may see the child's educational records.

This strategy does not envision creation of a new and separate form for children and youth in

foster care. Schools often use an enrollment form with designated emergency contacts that usually inquires if there is a suit affecting the parent-child relationship, and if so, asks for a copy of that order. Some of the forms may also request information regarding who may be authorized to pick up the child from school. The responsibility of providing and updating information to the school will fall on the child's caretakers; this requires training for child placing agencies and DFPS foster/adoption development workers about this responsibility.

In lieu of filling out this form, DFPS may provide a stand-alone education decision-making and rights order to the school. Without a copy of a court order prohibiting access by a birth parent to a child, the school may not deny this contact.

2.5 Strategy: *Determine a method of alerting the school of origin or former school of the child's enrollment in a new school.*

Commentary: When a child is removed from home or changes placement while in care and is enrolled in a new school, an official withdrawal from the old school does not necessarily happen. The former school may learn that the child has enrolled in a new school if the new school requests records from the old school. Until that time, the child has unexcused absences at the former school, which can impact the school's rating and funding and may lead to delays in transfer of the records while the former school figures out what happened to the child. To address this, DFPS will modify its residential contract to require the child's foster parent to officially withdraw the child from the former school, if the child's school changes. Additionally, DFPS will update its policy to require the caseworker to do this when the child is in a kinship placement and the school setting changes.

2.6 Strategy: *Find funding for new or use existing technology to produce an electronic education portfolio.*

Commentary: The Education Portfolio follows a child through changes in placement and contains hard copies of school-related information. Created by the caseworker, the Education Portfolio remains with the child, no matter where the child resides in Texas, and, as envisioned, contains copies of the child's birth certificate, Social Security card, educational assessments, including academic and psychological assessments, school transcripts, immunization records, as well copies of recent report cards, and identifies special services needed for each child. For children with special needs, the portfolio also should include notes from ARD meetings. The school is not intended to receive a copy of the Education Portfolio.

During subcommittee meetings, it was noted that, in some jurisdictions, the Education Portfolios arrived at new placements either empty or with little education information. With advances in technology, there was much interest in determining a way to make the Education Portfolio available to multiple stakeholders in an electronic format, eliminating the need to accumulate hard copies and making education records more accessible to stakeholders and future placements.

2.7 Strategy: *Develop a method to track and exchange child-specific information between juvenile justice, TEA, school districts, and DFPS about school-related offenses and school disciplinary action of children and youth in care.*

Commentary: Currently, there is no uniform way to track or exchange child-specific information between these entities on either a state or local level, although reportedly several local jurisdictions plan to begin this exchange. Tracking and exchange of child-specific information must occur in compliance with *FERPA* and any other relevant state and federal confidentiality statutes, but providing this information across systems would promote greater understanding of all of the challenges faced by the youth and of the services being provided to the youth by each child-serving entity.

C. Multi-Disciplinary Training

During a majority, if not all, Education Committee, subcommittee, and workgroup meetings, a cross-disciplinary training need was identified. Each subcommittee dedicated one meeting solely to the topic of multi-disciplinary training, answering the following questions:

- What issues should training address?
- Who needs to be trained?
- Who should be responsible for making sure these individuals are trained?
- What organizations may facilitate training?
- What training opportunities already exist that may add training on these issues?

The following represent broad training recommendations. Specific topics recommended for training of various stakeholders from education, courts, and child welfare may be found in the appendix to this report.

1. Recommendation: Use Existing Stakeholder Resources to Promote Training and Raise Awareness

1.1 *Strategy:* *Utilize existing stakeholder websites for hosting training, resources, and links and encourage the sharing of training across systems.*

Commentary: Some relevant training topics have already been developed or disseminated by one or more partners engaging in this initiative. For example, TASB developed training for parents about schools, broken down by subject such as attendance and discipline. As part of future collaboration, there will be more effort to utilize stakeholder websites and other resources to share existing training across systems.

2. Recommendation: Improve Judicial Training and Resources

2.1 *Strategy:* *Improve or develop Judicial Checklists on education issues.*

Commentary: Courts with DFPS cases on their dockets often use judicial checklists when on the bench hearing cases. Implementation of this strategy may include:

- Streamlining of the Judicial Education Checklist developed by the National Council of Juvenile and Family Court Judges (NCJFCJ) and Casey Family Programs, incorporating questions about the Education Portfolio, and identifying the top 5 education issues for courts to address during hearings.
- Developing short checklists, bench cards, or fact sheets focusing on specific education areas, such as post-secondary education and school readiness, or promoting the use of existing bench card resources developed in conjunction with the Zero to Three Project.
- Preparing a judicial checklist for courts hearing DFPS cases to inquire about school disciplinary actions and juvenile court involvement, including Class C ticketing and municipal court actions.

2.2 *Strategy:* *Add education-related content to the Child Protective Services (CPS) Judges Bench Book.*[28]

Commentary: The Children's Commission, in partnership with experienced judges who hear DFPS cases, developed the CPS Judges Bench Book, which is maintained online. The Bench Book contains federal and state statutory material and case law relevant to DFPS cases, as well as topical issues that might be seen during a DFPS case, such as domestic violence and juvenile justice. New information regarding school readiness and early education issues will be added to the Bench Book, as well as the NCJFCJ and Casey Family Programs judicial checklists on education, and any newly developed bench cards, checklists, and factsheets regarding education.

3. Recommendation: Expand Training and Resources for Child Caregivers and Child Welfare Stakeholders

3.1 *Strategy:* *Create educational videos or on-line learning opportunities and resource lists for kinship and other caregivers about school readiness and early education needs, including child development information, enrichment resources and strategies, and literacy activities.*

Commentary: To promote kinship and other caregivers using the video or on-line learning opportunities and resource lists, encourage DFPS day care licensing to: 1) assess during licensing reviews whether the caregivers have accessed the resources; and 2) give foster parents continuing education unit credits if they use the school readiness resources.

3.2 *Strategy:* *To promote standardized statewide training across child placing agencies, develop additional or supplemental foster parent training regarding education issues, for the applicable age group of children in the home.*

Commentary: To become foster parents, individuals must complete specialized training. DFPS and for and non-profit child placing agencies license and provide training to foster parents. Even though DFPS child care licensing minimum standards require a certain number of hours and topics, the training among child placing agencies differs in approach and there is little oversight regarding the quality and quantity of training. To raise awareness of education-related topics, consider:

- Making the training available at low or no cost to child placing agency staff and foster placements

28. CPS is the child protection division of DFPS.

- Determining whether it's feasible to require minimum training hours regarding education issues for new and continuing foster parents
- Expanding the training to make it available to kinship care placements

3.3 Strategy: *Develop education/foster care fact sheets and/or checklists for foster parents/ caregivers, DFPS caseworkers, CASA, and attorneys and guardians ad litem.*

Commentary: The fact sheets and checklists may include:

- Enrollment
- Attendance
- Education decision-making
- Education advocacy and monitoring school progress
- Assessments
- Special education
- Discipline
- Course credits
- Developmental milestones
- School readiness issues
- College preparation
- Career pathways
- Resources for post-secondary education/ training, such as education and training vouchers and tuition fee waivers

3.4 Strategy: *Create a chart/checklist of school-related decisions and activities and identify who should participate in those decisions and activities – parent, foster parent or caretaker, CASA, DFPS caseworker, or youth.*

Commentary: The Education Decision-Making and Advocacy Workgroup of the School Experience Subcommittee discussed at length the roles that caseworkers, advocates, youth in care, foster parents and caregivers play in education advocacy. Because the roles lack clarity, the workgroup developed this recommendation to clarify who has educational responsibilities. One goal is to encourage caretakers and advocates to become more involved with the child's education experience; for example, encouraging caretakers to attend the child's extracurricular activities and parent-teacher conferences. Here are some of the roles and responsibilities that may be included:

- Making school selection
- Enrolling in school
- Determining course selection
- Ensuring school records transfer from school to school
- Deciding whether the child should engage in extracurricular activities or special programs
- Signing agreement with the Campus Code of Conduct
- Participating in an Enrollment Conference (detailed in School Experience Recommendations)
- Attending School Parent's Night
- Signing and submitting the prohibition on use of corporal punishment in school
- Attending regular, routine parent-teacher conferences
- Attending specially called parent-teacher or parent-principal conferences on grade, attendance or behavior matters
- Participating in PTA or school board activities
- Attending field trips or school events as a parent chaperone
- Getting notified about truancy and being responsible for taking action regarding a youth's truancy
- Deciding to retain a child in the current grade for another year
- Providing input regarding when a Response to Intervention[29] isn't working and a child needs to be referred for a special education evaluation

29. Response to Intervention is the practice of meeting the academic and behavioral needs of all students through a variety of services containing the following key elements:
• High-quality instruction and scientific research-based tiered interventions aligned with individual student need
• Frequent monitoring of student progress to make results-based academic and/or behavioral decisions
• Application of student response data to important educational decisions (such as those regarding placement, intervention, curriculum, and instructional goals and methodologies)

4. Recommendation: Enhance Training Available to Schools

4.1 ***Strategy:*** *Utilize Education Service Center[30] resources, such as distance learning rooms, to organize local school district foster care liaison gatherings and trainings and professional development programs for school staff.*

4.2 ***Strategy:*** *Develop training for use by Education Service Centers, including use of webinars and the Endless Dreams video, and consider use of the complete Endless Dreams train the trainer curriculum.*

4.3 ***Strategy:*** *Identify training needs regarding categorical eligibility and the process for documentation of foster children in Early Head Start and Head Start.*

Commentary: Although children in foster care are categorically eligible for Head Start and Early Head Start, regardless of biological or foster family income, there is some confusion regarding this eligibility, thus the need to train DFPS caseworkers, Early Head Start and Head Start programs, and child advocates and caretakers.

4.4 ***Strategy:*** *Make presentations or engage in awareness activities at annual or regular meetings and conferences of TASB and TASA and other education organizations and education service centers about education issues, including post-secondary education, and unique challenges of youth in and formerly in care.*

4.5 ***Strategy:*** *Make presentations at education service center core group monthly meetings and use education service center representatives as focus groups to learn the best ways to disseminate information to high school, middle school, and elementary school counselors, school psychologists, and other school personnel.*

Commentary: The Texas regional Education Service Centers provide valuable opportunities for raising awareness and providing training to education stakeholders. DFPS and education stakeholders should provide expertise for these presentations.

30. Texas is divided into twenty regions with each region having its own education service center that provides professional development, technical assistance and management of educational programs to public school districts and charter schools.

D. School Readiness

Guiding Principle # 3: Young children in care (age 0-5) receive services and interventions to be ready to learn

The School Readiness Subcommittee identified barriers to young children in care becoming school ready, including confusion among DFPS, early education service providers, and caretakers, about the eligibility of foster children for Pre-K programs the lack of understanding among caretakers about the importance of school readiness and exposing children to literacy and books, and the lack of knowledge among child welfare stakeholders about the provision of comprehensive assessments for infants and young children.

> "If we truly are going to make a difference in lifetime outcomes, we need to pay special attention to the education that we provide for these kids. And, the very fact that we are looking at each stage of the educational development and, making sure our kids are maximized at every level, greatly increases their opportunity for a successful life from here on, and is a gift to the children of our state." – **The Honorable Bonnie Hellums, District Judge, Harris County, Children's Commission Member and School Readiness Subcommittee Co-chair**

1. Recommendation: Improve Access to Early Head Start and Head Start

1.1 ***Strategy:*** *Develop a model statewide MOU between DFPS, TEA and Head Start and Early Head Start that can be used by local communities to support providing early childhood services to children in foster care.*

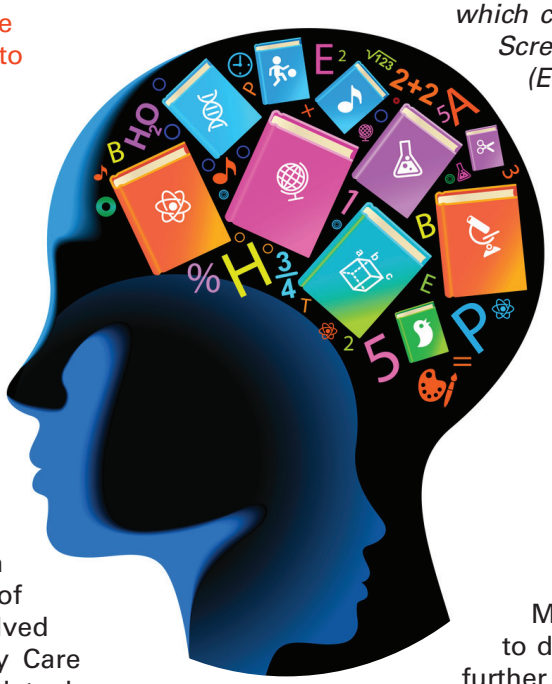
Commentary: DFPS staff is currently in discussion with the Texas Head Start State Collaboration Office regarding this MOU. Foster children are categorically eligible for Head Start and Early Head Start, regardless of biological or foster family income; however, local Head Start programs establish priorities for enrollment, so children in DFPS conservatorship are not guaranteed slots in all Head Start programs. This model MOU may be used in local communities and should clarify income requirements, categorical eligibility, and confidentiality issues. Include a provision in the

MOU about annual, if not more frequent, transfer of data from DFPS to the state Head Start office regarding the number of children and youth in DFPS legal custody per county in order to assist local Early Head Start and Head Start offices conduct their annual local needs assessments.

> "I was unaware of the process of removing or placing foster children and the different agencies that are involved when making educational determinations." – Nigel Pierce, Doctoral Candidate at the University of Texas at Austin with a concentration in Autism and Developmental Disabilities and School Readiness Subcommittee Member

2. Recommendation: Increase Access of Child Care Slots to Additional Populations of Children Involved with Foster Care System

2.1 Strategy: *Expand access to Rising Star Day Care programs.*



Commentary: School Readiness Subcommittee members discussed the lack of quality day care opportunities available to foster parents and caretakers in some jurisdictions. One solution may be to expand access of populations of children involved with DFPS to Rising Star Day Care Programs, which are required to have extra training about child development, foster care issues and recognizing and reporting abuse and neglect. These programs are currently available to children who are residing in their own home and need protective day care. Expanding access of foster parents and caretakers to Rising Star Day Care Programs requires working with the Texas Workforce Commission (TWC) to define and expand Rising Star capacity. Allowing access to foster parents and caretakers will not be possible without expanding capacity. Of note, enrollment in a Rising Star Day Care Program may not be appropriate for all children receiving DFPS services. For example, some children in foster homes do not need day care program services and foster parents already receive training on abuse and neglect that relative caretakers may not have.

3. Recommendation: Enhance Knowledge of the Child Assessment Process for Young Children

3.1 Strategy: *Promote, through existing or newly developed forms, more in-depth caseworker interview of birth parents about the child's developmental progress.*

3.2 Strategy: *Determine method to more efficiently relay information to CASA and attorneys ad litem (AAL) about the child's developmental status. Determine whether the child's plans of service are routinely provided to CASAs and AALs.*

3.3 Strategy: *Include information in DFPS court reports about evaluations and assessments, including Texas Healthy Steps appointments, which comply with the Early Periodical Screening, Diagnosis, and Treatment (EPSDT) program required in every state.*

Commentary: Throughout the meetings of the School Readiness Subcommittee, some members broached the timing and depth of assessments conducted on young children in care, some which might not identify developmental delays in a timely way. DFPS relies upon the Texas Healthy Steps Assessment, which is the state implementation of the EPSDT provisions of Medicaid, to be the screening tool to determine whether a child needs further assessment. The first Texas Healthy Steps Assessment conducted on a child after the child enters foster care must be done within 30 days of removal from the child's home. Additionally, DFPS and DARS entered an MOU to address the referral of children involved with DFPS to ECI, in efforts to ensure young children are timely referred for ECI services to address developmental disabilities.

3.4 Strategy: *Ensure placement summary forms and developmental history forms already in use by DFPS staff are sufficiently provided to new caretakers.*

Commentary: The intent of this recommendation is for DFPS to communicate a child's information from one caretaker to the next more consistently by greater use of existing forms.

E. School Stability and Transitions

Guiding Principle # 1: Children and youth in care are entitled to remain in the same school when feasible

Guiding Principle # 2: Children and youth in care experience seamless transitions between schools

Krystal Saldivar, 22, North Richland Hills

Krystal Saldivar's first trip to foster care as a preschooler was so short-lived she hardly remembers it. But her second one lasted her whole childhood, starting when she was a 9 year old third-grader. "Although it was always hard to form relationships with the frequent moves, I never struggled in school. I always made good grades even though the rest of my life wasn't stable," Saldivar said.

Although she did well academically, despite changing schools at least five times, Saldivar says her confidence was weak and she kept mostly to herself. "I missed out on a lot, socially, and felt uncertain about myself – I had no sense of belonging. I never had the chance to get involved in after-school activities and be a part of a group. Having to move from home to home, it was just too hard to do that."

"I never felt like I could form my own identity because the instability of moving from school to school makes it hard to figure out who you are, what you like to do, what makes me happy," Saldivar said. She says she stayed out of trouble and succeeded in school because she's strong-minded and not influenced by others. "I made it through with God and I stayed focused. I have a lot of determination and I'm stubborn in a good way. I wasn't sad. It's just how it was, and I did it because that's what you're supposed to do."

Now just a few semesters away from a bachelor's in social work from the University of North Texas, Saldivar plans to get her master's in social work and then go on to law school. She wants to represent foster kids someday, but right now as a CASA volunteer she teaches them life skills as they approach aging out of care. She's also a single parent to her 3-year-old daughter.

A child's removal from the home often results in a change in education setting, perhaps only one of several changes in school over the course of time the child is in foster care. A school change is disruptive and often results in a lack of designation of special education status or continuity of education services, incomplete or delayed transfer of school records, and loss of coursework credit.

A change in the way DFPS contracts for its residential providers may increase the number of children who may remain in their schools of origin when removed from their homes. In 2011, the Texas Legislature passed Senate Bill 218, which authorizes DFPS to overhaul the way it contracts and pays for foster care placements. Called *Foster Care Redesign*, the goal is to create appropriate foster care resources in areas with the most need so foster children and youth may stay closer to home and, if possible, attend their schools of origin. If in the best interest of the child, biological parents or caretakers may also remain more involved in education decision-making, which may contribute to children achieving permanency more quickly. *Foster Care Redesign* will begin its roll-out in at least one or two geographic catchment areas. If successful, it will expand statewide.

Although *Foster Care Redesign* is intended to impact children's placements positively in home communities and, by extension, schools of origin, full-scale implementation will not occur for some time. Also, even with the implementation of *Foster Care Redesign*, there may be some locations that lack foster homes within specific school district boundaries due to a low population density, making it difficult to recruit foster homes.

1. Recommendation: Create Alternatives and Expand Use of Transportation to Keep Children in Their School of Origin, When in Their Best Interest

1.1 Strategy: *Form a workgroup to develop best practice guidelines regarding transportation to the school of origin, including factors to consider in determining whether transportation should occur, such as the distance, time, and most reasonable mode of transportation to the school of origin.*

1.2 Strategy: *Create a sample MOU for child placing agencies, children's shelters and local independent school districts regarding transportation and enrollment.*

Commentary: The federal *McKinney-Vento Act* gives guidance to state and local education agencies regarding the education of children and youth who are homeless, including the provision of transportation for the child or youth to attend his school of origin. Although some children and youth who enter foster care are homeless at the time they are removed from their caretakers, children and youth in foster care placements do not fall within the definition of "homeless" under the *McKinney-Vento Act*, with one exception – those "awaiting placement." "Awaiting placement" is generally defined as temporarily living in a shelter waiting on placement in a foster or group home. Over the past few years, the use of children's shelters by DFPS has decreased, so fewer children in care fall under the definition of "awaiting placement," thus school districts provide transportation to the school of origin for a smaller number of children and youth in the legal custody of DFPS. Early discussions of the School Stability and Transitions Subcommittee contemplated broadening the state definition of "homeless" under the *McKinney-Vento Act* to all children and youth in foster care, either by statutory change or in practice, but that might have a detrimental impact on the McKinney-Vento programs currently existing in Texas.

One example of the best practice guidelines may include DFPS maintaining the child in the school of origin until the 14-day Adversary Hearing. Although this may be burdensome for a short period of time for the child's placement, it allows the child to stay in his home school until the court can determine at the hearing whether the child will return home. Currently, even if a court decides to return a child home at the 14-day hearing, often the child already is uprooted from the school of origin and likely enrolled in a new one.

Under the Texas Education Code, if a student is placed in foster care while enrolled in high school and is moved to a residence outside the school district, the youth is entitled to complete his coursework at the high school where he was at the time of placement in foster care.[31] Although this provision has existed in Texas law for some time, to date it has been seldom utilized because of the challenge to some caretakers to transport the youth back to the high school of origin, including the costs associated with this transport. Currently, there is no DFPS funding set aside for this transportation. This recommendation hopes to encourage local child welfare and education agencies to come together to figure out collaborative ways to ensure transportation for children in care who need it to maintain school stability.

Some school districts/individual schools have worked out arrangements, including possible use of MOUs, with children's shelters. Although children's shelters are used less than they were, these arrangements may serve as models for local DFPS offices or child placing agencies. Child placing agencies that have many licensed foster homes within a particular school district may do the same to deal with transportation and enrollment issues.

In light of decreased school funding, providing additional transportation options may be costly to school districts. The proposed creation of an MOU must be clear in addressing the costs to school districts, DFPS, and others to provide these transportation services.

2. Recommendation: Improve Decisions regarding Keeping Children in Their School of Origin

2.1 Strategy: *Continue the process at TEA for DFPS to confirm schools in which children are enrolled, as necessary.*

Commentary: Currently, if there is a DFPS investigation, an informal process exists whereby DFPS contacts TEA to gather information about a child's school enrollment; this strategy envisions the continuation of this informal process.

2.2 Strategy: *Create a way of identifying school districts in which foster homes are located through geomapping or other technology.*

31. Tex. Educ. Code Ann. §25.001(g).

Commentary: If implemented, Texas would follow other states in using technology to identify foster homes within school district boundaries, with the goal of keeping children in the same school or school district and working out transportation challenges. A list of foster families by school may be created and maintained to help DFPS when making placement decisions, thus minimizing school moves. Until such technology is implemented, DFPS should determine whether its child placing unit captures schools or school districts as a data field.

3. Recommendation: Increase Foster Care Capacity across School Districts

3.1 *Strategy:* *Focus recruitment of foster parents and kinship caregiver placements in the areas, determined by zip code and school district, where children and youth are removed from home.*

3.2 *Strategy:* *Focus recruitment of potential foster parents and kinship caregiver placements from the school setting when the child is removed.*

3.3 *Strategy:* *Amend DFPS policy to add teachers and other education community members to the expedited preliminary assessment process currently used for home studies of kinship placements.*

Commentary: The idea behind the strategy – teachers are great foster parent candidates and they and other school staff should be actively recruited! The strategy encourages recruiting of teachers and other education professionals and staff and streamlining their process to become foster parents or kinship care providers. An expedited preliminary assessment means that, after background checks and home visits are conducted, a child may be placed in the home while the full home study is underway. DFPS currently conducts expedited preliminary assessments of kinship placements and plans to amend its policy to include teachers and other education community members in the category of persons who are eligible for expedited preliminary assessments. Also, DFPS caseworkers should determine whether some persons within the school setting fall within the definition of fictive kin.

4. Recommendation: Implement and Support House Bill 826 ISD Liaisons in School Districts

During the most recent legislative session in 2011, the Texas Legislature passed House Bill (HB) 826, requiring each school district to appoint an employee as a liaison to facilitate the enrollment in and transfer of records of children in the legal custody of DFPS when changing schools. The liaisons were to be designated by December 1, 2011.[32] Although school districts have had McKinney-Vento liaisons for homeless youth for some time, this is a new role and set of responsibilities for school districts and the language of HB 826 does not provide direction for implementation.

In October 2011, TEA received a discretionary grant from the U.S. Department of Health and Human Services Administration of Children and Families Children's Bureau to improve collaboration between the courts and child welfare and education stakeholders. Known as the Texas TRIO grant because its main partners are TEA, DFPS, and the Children's Commission, the project will facilitate policy and practice changes on the state and local level in the court, education, and child welfare systems and develop expertise within TEA about educational issues of children and youth in foster care.[33] The following actions will be implemented as part of the Texas TRIO grant and will help support the training of and assistance to newly created school district foster care liaisons.

4.1 *Strategy:* *Track ISD appointments of HB 826 school district foster care liaisons. Promote awareness of the legislative requirement among school district superintendents.*

4.2 *Strategy:* *Create a listserv or other electronic communication tool for HB 826 school district foster care liaisons.*

4.3 *Strategy:* *Develop a toolkit, handbook and/or training for new HB 826 school district foster care liaisons and make available on-line and electronically. Work with HB 826 liaisons to identify best practices and areas where improvements are needed.*

4.4 *Strategy:* *Develop a list of responsibilities and duties of HB 826 school district foster care liaisons, including minimum training requirements and use of a communications network. Clarify the definition of children in the conservatorship of the state.*

Commentary: The list of responsibilities may be disseminated through a listserv or other electronic communication tool for the liaisons, which should be created in 2012.

32. Tex. Educ. Code Ann. §33.904.
33. Despite the similar name, this grant is distinct from the federal TRIO programs, which are educational opportunity outreach programs designed to motivate and support students from disadvantaged backgrounds.

4.5 Strategy: *Determine a method to establish connections between the new HB 826 school district foster care liaisons and the DFPS Education Specialists.*

Commentary: As a result of state legislation passed in 2005, DFPS established a DFPS Education Specialist in its state office and Regional Education Specialists in each of its 11 regions, who may serve as resources to the new HB 826 school district foster care liaisons. The state level DFPS Education Specialist serves as a leader of the regional education specialists and functions as a liaison with TEA, school districts, and other program specialists with DFPS and is responsible for the development of DFPS education policy and statewide efforts to improve education outcomes. The state level Education Specialist, as well as the regional Education Specialists, help caseworkers resolve education issues with schools and school districts and facilitate communication between DFPS and schools. Additionally, Regional Education Specialists: 1) provide information and referral services regarding developmental disability or education-related resources; 2) identify educational services or resources in the region; 3) help identify resources for caregivers in order to meet the child's educational needs; 4) assist with case planning to identify specific educational needs and services through individual case staffings and by attending permanency planning meetings, as needed; 5) attend ARD meetings, when possible, if the caseworker is unable to attend; 6) develop training curriculum and training for DFPS staff and foster parents; 7) work with regional DFPS staff to ensure that children in the conservatorship of DFPS receive appropriate educational services and that each child's case record includes a copy of the necessary education records; and 8) help Preparation for Adult Living (PAL) coordinators develop transition plans for youth who are aging out of DFPS conservatorship.[34]

5. Recommendation: Support Timely Enrollment When Children Initially Enroll or Change School Placements

5.1 Strategy: *Develop a letter from the child placing agencies about a foster parent's ability to enroll a child in school to attach to DFPS Form 2085 when the authority to enroll is given to a child placing agency rather than a specific foster parent.*

Commentary: When a child is placed in foster care, the DFPS caseworker provides the caretaker with Form 2085, which gives a person or entity the authority to enroll the child in school. If a child is placed in a foster home licensed by a child placing agency rather than DFPS, the DFPS Form 2085 lists that child placing agency as the entity with authority to enroll the child in school, not the specific foster parent. This occurs because DFPS has a contractual relationship with the child placing agency, not the individual foster home. Reportedly, this causes confusion within schools about whether the foster parent or the child placing agency has the authority to enroll the child. Providing this letter, which may also identify the person who needs to receive notice of school events and meetings, and the DFPS Form 2085 to schools will clarify the authority to enroll for the school, thereby reducing delays in enrollment.

5.2 Strategy: *Consult with the Texas Department of State Health Services (DSHS) regarding whether to include foster children in the exception to the rule requiring immunization records to enroll a child who is in care in a new school, similar to that given to students who are homeless.*

Commentary: The Education Code authorizes immediate enrollment of children and youth in care without immunization records,[35] but an Attorney General Opinion states DSHS, rather than TEA, has the authority to allow this exception.[36] DSHS has authorized this exception for children who are homeless, but not those who are in foster care.[37]

5.3 Strategy: *Develop a model enrollment information chart for the front desks of school campuses to use.*

Commentary: This is not a separate form for foster child enrollment but a chart to assist schools that are enrolling new students who are in foster care. This chart would have information about who may enroll the child, what type of documentation the school may expect to see, and what records must be provided within 30 days of enrollment.

5.4 Strategy: *Hold focus groups of principals and representatives of school administrator organizations to determine the type of information school administrators need, such as behavioral manifestations and academic histories, to appropriately place a child in an educational setting.*

34. Texas Department of Family and Protective Services, *CPS Policy Handbook Section 4120, The Role of the Education Specialist in Educating Children, Available at* http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_4000.jsp#CPS_4120.

35. Tex. Educ. Code Ann. §25.002(g).
36. Op. Tex. Att'y Gen. No. GA-0178 (2004).
37. Tex. Admin. Code §§97.66 and 97.69.

6. Recommendation: Improve Timeliness and Efficiency of Transfer of Accurate School Records to New School Placements

Ashley Payne, 24, Austin

Ashley Payne was 11-years-old when she entered foster care and started moving about every six months. "I went to 12 or 13 different schools and my longest placement lasted one and a half years. I loved school, but I remember it was very hard to move so often, to always be the new kid," Payne said.

"When the curriculum is different at every school, it's even harder to keep up," she said. "You forget what you learned, your transcripts are always getting lost, and you lose credits with every school change." She nevertheless graduated high school with straight As, and when she got to see her high school transcripts recently, she saw how her grades fluctuated with her moves. "Usually after a move I'd go from straight As back to Cs. You can see the rough patches corresponding to another new school."

"I felt like there was a lot that I missed because of foster care. In college, I had to take all these pre-classes and I blame that situation on foster care," she said.

Payne is active in Foster Care Alumni of America and was running for president of the Texas Chapter at press time. She recently married, works full time, and attends community college part time.

6.1 Strategy: *Provide a letter to school administrators on steps that need to be taken to increase timeliness of records transfers. Include information about the importance of records transfer and the HB 826 school district foster care liaison requirement in a "To the Administrator" letter to all school district administrators.*

Commentary: A letter from DFPS and TEA to all school district administrators will be issued shortly. If not disseminated by the end of the 2011-2012 school year, this information ideally will be included in any communications regarding enrollment that are disseminated before the next school year.

6.2 Strategy: *Review and assess school districts that have a high population of children with parents enlisted in the military, such as Killeen ISD, to determine the procedures used to address record transfer issues.*

6.3 Strategy: *Determine whether the Texas Student Records Exchange (TREx) can be enhanced to serve as repository for school records in addition to being used to transfer records.*

Commentary: The TREx system is a web-based software application designed for the exchange of electronic student records. Using TREx, school registrars may electronically request and receive student records for students who have attended or will be attending Texas public schools. At this time, TREx may be used for transfer of records, but it does not permanently maintain those records.

7. Recommendation: Address Issue of Lost Credits and Improve Credit Transfer and Recovery

7.1 Strategy: *Compile strategies to address credit transfer, loss, and recovery.*

Commentary: Challenges regarding credit transfer and recovery were discussed during numerous meetings. Some placement changes made by a child, either when coming into or while in foster care, happen on an emergency basis, which means that children may not only fail to complete an entire academic semester or year at a school, they may be moving in the midst of a grading period. Although schools have a required curriculum to teach for a specific grade level, schools differ on sequencing of topics and subjects, so a child may enroll in a new school that has already covered a topic that the former school did not, leaving the child behind in that area. Additionally, depending on the district, the same or similar courses have different names; a new school may not give the child credit for coursework taken under a different course title at another campus. TREx transfers final grades, but if a child moves during the middle of a grading period, TREx will not transfer the child's temporary grade.

To implement this strategy:

- Convene a focus group of elementary and secondary principals to discuss how to assist students to avoid loss of credit, including opportunities to use the Texas Virtual School Network or other credit recovery supports.[38]
- Explore other jurisdictions and districts with large military populations that routinely deal with credit transfer issues.

7.2 Strategy: *Create school work recognition plans for students who experience educational disruption or who are placed temporarily in an educational program or school, which outlines how the student will complete coursework and earn credit.*

38. The Texas Virtual School Network provides on-line courses to supplement the instructional programs of public school districts and open-enrollment charter schools.

Commentary: This strategy envisions the development of a new type of plan for students in foster care, which will result in students arriving at new schools with dossiers about their credits from previous schools. This should be developed when a child first enters foster care and should pass from school to school. Plans of this nature may already be in use in schools under a different name or for a different population of student.

7.3 ***Strategy:*** *Encourage school districts to accept non-traditional coursework, such as correspondence or dual credit courses, as credit for students in foster care.*

Commentary: For budgeting purposes, school districts will need to know a projected amount of extending this coursework to students in care to determine if funds are available to provide these services.

7.4 ***Strategy:*** *Support use of dual credit courses by students in foster care to activate tuition and fee waivers.*

Commentary: Some youth who transition from foster care at age 18 may qualify for tuition and fee waivers for state post-secondary education institutions. To activate the waiver, the student must enroll in and complete at least one post-secondary education course. Dual credit high school and college courses may serve this purpose, although reportedly few students in care take advantage of these courses to activate the waiver.

8. Recommendation: Support and Maintain Increases in School Attendance

8.1 ***Strategy:*** *Consider implications of and alternatives to taking youth out of school for therapy and other appointments, court, and family visits.*

8.2 ***Strategy:*** *Consider amending the Education Code to include court-ordered visitation and services in the category of excused absences from school to allow schools to count the child in attendance and give the child the opportunity to do make-up work.*

Commentary: When children in foster care miss school for court-ordered family visits and some appointments, the students are given unexcused absences. There is a constant struggle for DFPS to meet the child's educational needs and still maintain court appointments and therapy sessions. Research indicates that among at-risk populations, attendance is the number one critical element in the prevention of dropping out. At first glance, these recommendations appear to be at cross-purposes – why amend the Education Code to allow for these absences when one is trying to encourage the child welfare system to change its practice of taking students out of school for appointments?

While it is a best practice to schedule these appointments outside of school hours, unfortunately, the reality is that some children and youth in foster care will miss school for these appointments, because therapy and other appointments may be available only during school hours. Unexcused absences incurred because of such appointments affect children's school achievement and the school negatively and impact the district financially. Courts are encouraged to hold hearings, especially those involving older youth attending court, after school hours, and DFPS is encouraged to contract with service providers with greater flexibility to schedule appointments after school, during the evenings, and on the weekends.

Josharon Perkins, 19, Lacy Lakeview

Josharon Perkins took drastic measures to graduate high school on time, having gotten behind from changing schools six times after entering foster care at 16-years-old during her junior year. She even went back into care after aging out so she could graduate from her next-to-last high school, which she did two months early. "I changed schools so often I couldn't graduate on time without going back into care because my credits wouldn't transfer," Perkins said.

"Before foster care, I was in after-school clubs. But once I got into foster care, I knew trying to be in clubs or doing extracurricular activities would be pointless. So, I immediately got a job and just went to work. I've been working full-time since I was 16," she said.

She wasn't an honors student, but Perkins says she made decent grades in high school while working full-time. "Nobody encouraged me to keep going in school, nobody ever even talked about it to me. I didn't drop out because I always had goals to go to college. I used to skip school a lot, because I felt like I had better things to do. But I got in trouble for it, so I stopped."

"You have no control. No control. I had no influence whatsoever in what would happen to me," she said. She had been given some warning ahead of time that she'd be going into care and wasn't sure what to expect. "I had always heard that being in foster care would be all Orphan Annie, you know, sad and depressing," she added. "I'd decided to just make the best of it, because I've never been one to run from a bad situation. It wasn't all good, but it wasn't all bad either. I met some wonderful people."

Perkins is now studying to be a dental assistant at Texas State Technical College in Waco.

F. School Experience, Supports and Advocacy

Guiding Principle # 4: Children and youth in care have the opportunity and support to fully participate in all developmentally appropriate activities and all aspects of the education experience

Guiding Principle # 5: Children and youth in care have supports to prevent school dropout, truancy, and disciplinary actions, and to reengage in the education experience

Guiding Principle # 6: Children and youth in care are involved, empowered and prepared to self-advocate in all aspects of their education

Guiding Principle # 7: Children and youth in care have consistent adult support to advocate for and make education decisions

The School Experience Subcommittee identified a number of barriers to meeting the goals outlined by the Guiding Principles, including:

- Often, children and youth in foster care find it difficult to fit-in and participate in extracurricular activities, particularly in high school and upon transfer to new schools;
- Some children who must live in RTCs due to mental health or other needs are required to attend the charter school affiliated with the RTC rather than a local neighborhood school, causing lack of choice in education placement;
- Numerous school changes, whether they occur before or after a child enters foster care, cause a number of children and youth in foster care to have significant education gaps;
- Foster parents, caretakers, and attorneys and guardians ad litem need training about education advocacy, including what supports are available within the schools; and,
- It is unclear why and to what extent foster children and youth are subject to more disciplinary actions than children in the general student population.[39]

1. Recommendation: Improve Education Decision-Making

1.1 Strategy: *Amend the Family Code to authorize the education decision maker access to education records and notice of and attendance at specified school meetings, including parent/teacher conferences, ARDs, and disciplinary hearings, to the same extent as parents and amend the Education Code to require provision of notice of school meetings to the education decision maker, caretaker and DFPS caseworker, if the school is made aware of the identities of these persons.*

1.2 Strategy: *Clarify in DFPS policy the list of different types of education decisions that may be made about a child in care and who should make that decision.*

Commentary: The Education Decision-Making and Advocacy workgroup of the School Experience Subcommittee looked at various education decision points and activities where a parent might normally become involved. This recommendation refers to the range of education decisions, from educational placement and course selection to involvement in extracurricular activities. Currently, no DFPS policy exists about who should be the education decision maker and for which education decisions.

2. Recommendation: Promote and Improve the Quality of Education Advocacy

"Foster children and youth must be plugged in to a school. DFPS, CASA, and foster parents must be proactive in informing the school of the child's needs and interests. The school must work with DFPS, CASA and foster parents to find programs, services, and activities that will match those needs and interests. When foster children are enrolled in a new school, we can't wait for an academic or behavior problem to appear before we assess and ascertain they have the best placement and are receiving all the support services they need."

– Carolyn Landstrom, retired educator and current volunteer for the Highland Lakes CASA program and School Experience Subcommittee and Education Decision Maker and Advocacy Workgroup Member

39. Council on State Governments, *supra* note 25.

2.1 Strategy: *As a best practice, conduct a conference for foster children upon/after enrollment in a new school, to be attended by all relevant school personnel as determined by the school district, the foster parent, youth, caseworker (in person or by conference call), the education decision maker, CASA, and the attorney and/or guardian ad litem.*

Commentary: This conference should occur soon after a child or youth in foster care is enrolled at a new school. The enrollment conference may include:

- A school tour;
- Discussion of supports and activities available at the school, including services such as the intervention assistance team, Communities in Schools, or district 21st Century Community Learning Centers;
- Review of records and credit transfer, dual credit and credit recovery, behavioral plans, expected challenges for the child, and college and career planning;
- The opportunity for the child or youth to learn about homework expectations, the campus code of conduct, and other school policies;
- Discussion of whether there are on-line methods to increase educational advocacy, such as receiving electronic school announcements, checking on-line homework assignments, and monitoring grades;
- Dissemination to caseworkers and caretakers of information and resource lists of vocational, mentoring, tutoring, and support programs in schools that may be available to students in care; and
- Completion of a report, developed jointly by DPFS, the school, and the caretakers, that must comport with the district's personal graduation plan (PGP) required for some children, and the child's IEP, if applicable.

As part of the Texas TRIO grant, Houston ISD is working with local DFPS staff to establish the enrollment conference on a piloted basis in several schools.

2.2 Strategy: *Require the education decision maker to complete a periodic Educational Advocacy Report, to correspond with the school's grading period, and to provide it to DFPS, CASA, and the attorney and guardian ad litem during the monthly child/family visit to ensure education-related activities are being sufficiently conducted. Additionally, the education decision maker should provide the report to the court at periodic hearings.*

Commentary: This applies to education decision makers appointed by courts in legal cases involving DFPS. The report, which is different from an enrollment report developed jointly by DFPS, the school, and the caretakers, should be provided to DFPS, CASA and the child's attorney and guardian ad litem periodically and to the court at periodic hearings under Texas Family Code Chapter 263.

2.3 Strategy: *Require the DFPS caseworker to go over the contents of the Education Portfolio with parents and youth, as age appropriate, on a quarterly basis.*

2.4 Strategy: *Request additional full-time equivalent (FTE) units for additional DFPS Education Specialist positions to support and advocate for foster children and youth in education settings.*

Commentary: Caseworkers have a challenging job of providing immediate care and resources for children and youth, and they usually lack specific knowledge to secure appropriate resources in the school environment. Increasing the number of education specialist positions to assist caseworkers with education issues carries a fiscal note, which may prevent it from being included in the 2014-2015 legislative appropriations request made by DFPS.

3. Recommendation: Better Coordinate Child Welfare and School Evaluations and Assessments

3.1 Strategy: *Engage DFPS, TEA, and other stakeholders, as applicable, in mapping of the assessment process and coordinate on development of the assessment process (early childhood, psychological, speech, special education) that may be used jointly by education and child welfare, with relevant sections paid for by the requesting entity. Encourage reciprocity of assessments, if completed within a specified timeframe. Develop best practices to ensure early assessment and to avoid repeat testing and assessment for similar purposes.*

Commentary: This is a long-term process and would need significant input from child welfare and general education, *IDEA* and other experts. The goal is to save time and effort of the student and money for both systems.

4. Recommendation: Connect More Regular Education Youth in Care with School Services and Supports

4.1 *Strategy:* *Determine feasibility of obtaining laptop computers with internet access for children and youth in care who need access to the Texas Virtual School Network or who are enrolled in middle and high schools where other students have computer and internet access.*

Commentary: Although some schools have computers that students may utilize on campus, the students may need additional access outside of school hours to complete course work or to access the Virtual School Network. If the computers are issued by a school district, it must be in accordance with the district's acceptable use policy. It will be necessary to determine the feasibility of obtaining computers with internet access for caretakers, including foster homes, in order for the student and the education decision maker and/or caretaker to have access to homework assignments and other school-related information. Also, there is a need to explore whether computers may be obtained through use of community or private funds rather than at a cost to school districts or DFPS.

4.2 *Strategy:* *Encourage schools to identify existing tutoring and mentoring programs within schools and communities and provide information to caretakers at the enrollment conference and regular progress checks.*

Commentary: One education stakeholder noted that this strategy may be more effective if programs are provided with information about how to find foster children and their caretakers, so the programs may plan ahead to target foster audiences as part of their recruitment strategies. These programs are often oversubscribed and caretakers may experience frustration if they are provided the information about them and then find all programs full.

4.3 *Strategy:* *Address issue of fee waivers for supports and services.*

Commentary: There was consensus about this recommendation, but also questions about the fiscal impact to school districts. In addition to promoting the use of waivers, it is critical to explore funding for the waivers, including the use of local child welfare boards or community or private funding sources. Some suggestions for implementation include:

- Explore options to finance or waive testing and other fees associated with advanced placement (AP) and other advanced courses, including dual credit programs, and digital curriculum resources such as the Texas Virtual School Network, to increase the participation of foster care youth in those programs.
- Amend Education Code §30A.155(a)-(c-1) to allow students in foster care to receive unlimited and fully supported access to the Texas Virtual School Network free of charge in the summer or if taking more than a normal course load. Explore funding options to defray costs to the districts.
- Clarify Education Code §11.158(f) to authorize that summer school, credit recovery, and accelerated school be free of charge for all qualifying foster youth in any school district, even if the child moves during summer.
- Discuss methods to waive fees for extracurricular activities of youth in care, including cheerleading, band, dance, or sports where equipment or uniforms are needed.
- Encourage local child welfare boards, child placing agencies, or community organizations to cover the costs associated with the aforementioned supports and services.

4.4 *Strategy:* *Encourage schools to consider students in care for campus-based programs or teams designed to help students with risk factors, such as the Intervention Assistance Team, Communities in Schools, or district 21st Century Community Learning Centers, when services are available on campus.*

Commentary: The idea behind this recommendation is to ensure existing services are available and accessible to students in care. Some subcommittee members noted that requiring all students in care be assigned to specific campus-based programs might result in stigmatization of the youth within the school, so the language was changed to encourage schools to look into whether the students in care might benefit from the programs.

4.5 *Strategy:* *Establish peer or honor student mentoring programs in schools for students who are in the legal custody of DFPS similar to those used for children of persons in the military.*

Commentary: Several subcommittee members urged caution when implementing this recommendation because of confidentiality concerns often voiced by youth in care. For example, who would initiate the contact? The youth or the mentor and/or tutor?

4.6 *Strategy:* *Explore funding options to establish programs to provide tutoring from qualified teachers for children and youth placed in group homes, DFPS-paid placements, and relative placements.*

4.7 *Strategy:* *Explore the feasibility of developing an MOU with the University Interscholastic League (UIL) to ensure students in foster care will not be denied involvement in UIL activities because of DFPS-initiated school moves.*

Commentary: Despite statutory authority and an Attorney General's Opinion[40] that indicate otherwise, sometimes children and youth in care are prohibited from participating in extra-curricular activities because they have not lived long enough in the district. A durational residence requirement may not be used to prohibit a child in foster care from fully participating in any activity sponsored by the school district.[41] A foster home is presumed to be the residence of the student for UIL purposes.[42]

"I was surprised at the extent of academic failure of foster children and that they are shifted and moved around so much, with little regard to the impact on schooling. If a foster kid is smart and motivated and really focused, then once they get to college they have structures in place and tuition assistance. The vast majority never gets that far, and there seems to be no other options/supports available for students who don't make it to college." – **Christopher Caesar, Drop-Out Prevention, Houston Independent School District, and Member of the School Experience Subcommittee and School Services and Supports Workgroup**

5. Recommendation: Address Over and Underrepresentation in Special Education and Improve Special Education Experience

5.1 *Strategy:* *Create special education and foster youth task force of school law attorneys, TEA, Texas Educational Diagnosticians' Association (TEDA), Texas Council of Administrators of Special Education (TCASE), and other organizations, including disability advocacy groups, to look into issues related to special education and children and youth in foster care, including the possible over and under representation of students in care in special education classes.*

5.2 *Strategy:* *For ARD meetings of children in DFPS conservatorship, develop IDEA compliant methods for providing notice to parents, conservators, guardians and attorneys ad litem, and CASA programs. Include IDEA compliant language in notice about surrogate parent authority to invite or exclude participants and to advocate on behalf of that child.*

Commentary: Federal *IDEA* law determines who may attend ARDs. ARDs are typically made up of relevant school personnel and the parent and/or surrogate parent. It's designed to be a collaborative conference, although at times there are significant differences of opinion among the participants. There are some jurisdictions where attorneys and guardians ad litem are not allowed to attend ARDs – not because the parent or surrogate parent prohibits attendance, but because they are not notified or are prohibited by the school from participating. Ultimately, federal law gives the parent or surrogate parent the right to invite any person of their choice to attend. If the surrogate parent does not want the attorney or guardian ad litem to attend the ARD, the school or court may not override the surrogate parent's wishes.

6. Recommendation: Improve School Experience of Children and Youth Enrolled in Charter Schools

6.1 *Strategy:* *Coordinate with the Texas Charter School Association (TCSA) to encourage all charter school board members that admit children and youth in foster care to receive training about their educational needs. Discuss with TCSA whether charter school administrators and faculty may also be encouraged to receive this type of training.*

6.2 *Strategy:* *Clarify the DFPS Residential Child Care contract to say that a child placed in a Residential Treatment Center (RTC) may not automatically be enrolled in a RTC-associated charter school. If a child is eligible for special education services, an appropriate ARD committee should determine that the charter school would be the least restrictive environment for the child and DFPS and the surrogate parent should approve the child's attendance at the charter school. If the child is not eligible for special education services, DFPS should, in conjunction with the child's education decision maker, approve the child's attendance at the charter school and apprise the court as soon as practicable but by no later than the next scheduled court hearing pursuant to Chapter 263 of the Texas Family Code.*

40. Op. Tex. Att'y Gen. No. MW-43 (1979) Available at https://www.oag.state.tx.us/opinions/opinions/46white/op/1979/pdf/MW0043.pdf
41. Tex. Educ. Code Ann. §25.001(f).
42. University Interscholastic League Constitution and Contest Rules, Sections 440 and 442.

Commentary: DFPS policy states that an RTC cannot require a child to attend its own charter school in lieu of the local or neighborhood public school, but in practice, there may not be another placement option, thus no school choice. Sometimes, it may be appropriate for the child to go to the RTC charter school rather than the neighborhood public school; at other times, school districts may be opposed to the enrollment of children and youth living in RTCs in the local schools.

If a child is eligible for special education services, the child's ARD committee should make the determination of whether the charter school is the least restrictive environment for the child. If the child is not eligible for special education services, the court should appoint an education decision maker who should approve the educational placement in the RTC charter school, if it's in the child's best interest.

Once *Foster Care Redesign* is implemented, the RTCs may have no reject provisions in their contracts with DFPS, which will prevent RTCs from requiring enrollment in their charter schools when children reside there.

7. Recommendation: Lessen Frequency and Severity of School Discipline Actions

7.1 Strategy: *Establish best practice protocols for discipline of general education students in foster care who do not qualify for special education services, including convening a care team when a student in foster care is removed from the regular educational setting for a violation of the student code of conduct, in order to determine the best disciplinary action for the student.*

Commentary: Data suggests that children and youth in foster care are subject to more disciplinary actions than children and youth in the general student population.[43] As envisioned, the team would include DFPS, the school administrator, the foster parent, CASA, the school counselor and representatives of any school-based support services, such as Communities in Schools, that provide services to the student, and possibly the child's attorney and/or guardian ad litem. This recommendation calls for the development of best practice protocols to deal with unique disciplinary issues of students in foster care. For example, a disciplinary action of a foster child that results in out of school suspension (OSS) or placement in a juvenile justice alternative education program (JJAEP) or disciplinary alternative education program (DAEP) may result in the child's living arrangement breaking down, often because a foster parent will not or cannot transport the child to the temporary schooling placement. This results in the child being forced to move not only to a new placement, but likely a new school.

School discipline is a local control issue. School districts require flexibility to discipline all students in accordance with their policies and the facts of each particular case. Districts also need to treat all students fairly and apply their discipline standards equally, but it is appropriate to consider mitigating factors. The Texas Education Code includes a laundry list of factors to be considered in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action.[44] Placement in foster care is not a mitigating factor required to be considered, but it may be one a district elects to add to its list of mitigating factors.

7.2 Strategy: *Clarify for school districts and charter schools that the foster parent or caregiver is the person to notify of use of restraints.*

Commentary: The Texas Administrative Code requires that both school districts and charter schools make good faith efforts to verbally notify a parent regarding the use of a restraint in the school setting.[45] Currently, it is unclear whether DFPS, who is the legal parent, or the caretaker, who has physical custody of the child, should receive notice of the use of restraints on a student in DFPS conservatorship in the school setting.

7.3 Strategy: *Require the foster parent to notify the DFPS caseworker before every court reporting period about use of a restraint on the youth in the school setting. This information should be included in the caseworker's court report.*

Commentary: Unless a child's caretaker informs the DFPS caseworker about the use of school restraint, that information may remain unknown. It is more likely that the foster parent or caregiver will be informed by the school of the use of the restraint than the caseworker. The foster parent or caregiver needs to share the information with the caseworker for documentation in the case record and inclusion in the court report.

43. Jane Burstain, Center for Public Policy Priorities, *The Texas School Disciplinary System and Foster Care Children* (2009), Available at http://www.cppp.org/files/4/392_education.pdf

44. Tex. Educ. Code Ann. §37.001.

45. Tex. Admin. Code § 89.105; Tex. Educ. Code Ann. §37.0021.

7.4 *Strategy:* *Encourage schools to establish a mentor within the school for students in care, such as the school counselor or a representative of a school-based community organization such as Communities in Schools, to help prevent behavioral and other issues before disciplinary action is required.*

Commentary: This recommendation applies to students in care who are in regular classes but not to students who are receiving special education services. Disciplinary action regarding students receiving special education services is governed by existing federal law. In some school districts, the HB 826 foster care liaison might function in this role.

7.5 *Strategy:* *If a foster child's behavior interferes with his learning or the learning of others, urge schools to implement school-wide positive behavioral interventions and supports (PBIS), including functional behavioral assessments and referrals to campus support services, counseling, psychological services and social work.*

Commentary: Children and youth in foster care often have emotional and behavioral challenges that set them apart from students in the general population. Often, a child will be enrolled in a new school shortly after removal from his home, so not only is the child dealing with grief, anxiety and possibly anger over separation from his parent, he is also placed in a completely new and unfamiliar living and school environment. Depending on the type of abuse or neglect experienced by the child, the child may have difficulty establishing trust with adults or peers or may become aggressive or defiant as a coping mechanism when feeling anxious or threatened. Schools must be sensitive to the child's past trauma and how being in foster system impacts daily functioning.

Olivia-Elyse Hawkins, 20, Waco

Olivia-Elyse Hawkins lost count of the number of schools she attended growing up in foster care from the time she was 9 years old until she aged out, but she thinks it's at least 10. She's lived everywhere from a run-away shelter to an upscale Dallas home, and everything in between.

She was a straight A student until high school, but her grades started dropping with every one of her five changes in high schools. "My credits wouldn't transfer or the curriculum would be different, and I just got really depressed and gained a lot of weight," Hawkins said. "I knew I was better than that, but there was nothing I could do. I had no voice."

"Growing up in foster care was difficult. I couldn't stay after school or do any extra-curricular activities," she said. "My foster parents wouldn't pay for cheerleading or even a class ring. And just as soon as you get used to a one school, you would have to move."

In one foster home there were seven kids and two adults, so getting a ride to a job or after-school activities was out of the question, according to Hawkins. One time she started going to a friend's house for informal tutoring, but that ended because it would have incurred a background check on the friend's whole family, she said. "I couldn't even get tutoring from a smart friend."

"I used to love school just to get away from the bickering at my foster home," Hawkins said. "School was a getaway."

Giving up was never an option, and she credits her perseverance to her birth mother. "Even though she was not a good mother, she instilled in me that I should never give up. And I realized I didn't have to be a person who dropped out and started having babies," Hawkins said.

She had also decided early on to use her experiences to one day help other foster kids, which she does now as a volunteer. "If I drop out, what example am I setting?" Hawkins said.

She was determined to graduate high school even though at one point she was a year behind her peers. In 2009, she did. She's now a college sophomore taking online classes from Waco's McLennan Community College. She wants to go to Oklahoma State to finish her nursing degree and be near her fiancé.

G. Post-Secondary Education

Guiding Principle #8: Children and youth in care have support to enter and complete post-secondary education

"The desire to serve children, particularly foster children is noble. The work of the Education Committee has enlightened the various [stakeholder organizations] designed to serve foster children. It is with hope and anticipation that continued collaboration occurs, so that more foster students are college ready and college bound." – **Wendell Brown, AVID Texas State Director and Post-Secondary Education Subcommittee Member**

Significant post-secondary education opportunities exist for qualifying youth formerly in foster care through tuition fee waivers, education training vouchers, and other supports, such as dedicated programs within some community and four-year post-secondary education institutions, extended foster care, and transitional living allowances. Unfortunately, a relatively small number of the youth successfully complete post-secondary education.

"My hope is that the Education Committee's report provides information that can be directly implemented to encourage a higher quality and higher level of education for our youth in foster care. I hope this report can open the eyes of our higher education facilities to accept these students that have the potential for greatness, but have not yet been adequately developed and supported to realize their personal full potential with regard to education. The foster children in our Texas system need to be able to understand the opportunities provided to them for education and utilize the support provided to achieve their education goals." **– Elizabeth Cox, Foster and Adoptive Mother and Children's Commission Collaborative Council and Post-Secondary Education Subcommittee Member**

1. Recommendation: Increase Readiness for and Access to Post-Secondary Education

1.1 Strategy: *Develop an online tool capable of compiling secondary school course credits, work and volunteer experience, as well as providing a means to help youth determine career paths, and which includes informational videos for the youth and caretakers. The online tool should have graduated accessibility for the youth, the youth's caretakers and advocates, and child welfare and school representatives.*

Commentary: Because this involves an individualized portfolio for foster youth with their course credits listed on it and accessible to all of the groups listed, there may be *FERPA* issues regarding the educational records that must be addressed as the recommendation is implemented. This strategy requires significant funding.

1.2 Strategy: *Promote and target post-secondary education opportunities to youth in care beginning in middle school years.*

Commentary: Activities related to this strategy may include:

- Identify and recruit a stable and trusted person, such as a CASA, foster parent, or AAL, to act as a youth's education champion to assist in preparing for and seeking access to post-secondary education and helping find and use college readiness resources;
- Sponsor or register youth age 14 and older and their caregivers in post-secondary school education events offered statewide and regionally;
- Coordinate DFPS Transition Plans and any Transition Plans developed in the school setting;
- Begin DFPS transition planning before age 16; and,
- Address early skills training certifications and dual college credit enrollment during circles of support and other transition planning meetings with youth.

Youth may also increase their readiness for post-secondary education by being part of their regional DFPS Youth Leadership Council. This group provides a leadership opportunity that may be included on the youths' resumes and scholarship applications.

1.3 Strategy: *Promote attorney ad litem communication about post-secondary education opportunities with their child clients as part of permanency planning.*

Commentary: The Post-Secondary Education Committee noted the need for older youth in care to have a dedicated adult help them plan for post-secondary education beginning in middle school and continuing through high school, especially if the foster parent or caretaker is not familiar with the process of applying to post-secondary education institutions.

1.4 Strategy: *Create new tools and better utilize existing tools to assess college readiness for youth before and during the transition planning process.*

Commentary: Some tools to assess college readiness already exist, such as SAT's Prep Plan and ACT's COMPASS, but awareness of the existing tools needs to increase for youth in care and their advocates. Also, there needs to be discussion of how the assessments will be paid for and administered.

1.5 Strategy: *Raise awareness of the Texas Reach conference and website among high schools and post-secondary education institutions.*[46]

Commentary: The Texas Reach conference is held annually to bring together child welfare and higher education decision makers and program developers from across the state to share information and best practices in an effort to increase the number of youth formerly in foster care entering and succeeding in college.

1.6 Strategy: *Coordinate with TEA, DFPS, and Post-Secondary Education Institutions to provide information about vocational, technical, and Texas Workforce Commission and local workforce board resources and update links on Texas Youth Connection and Texas Reach websites as a resource for school counselors, DFPS caseworkers, caretakers, and youth.*[47]

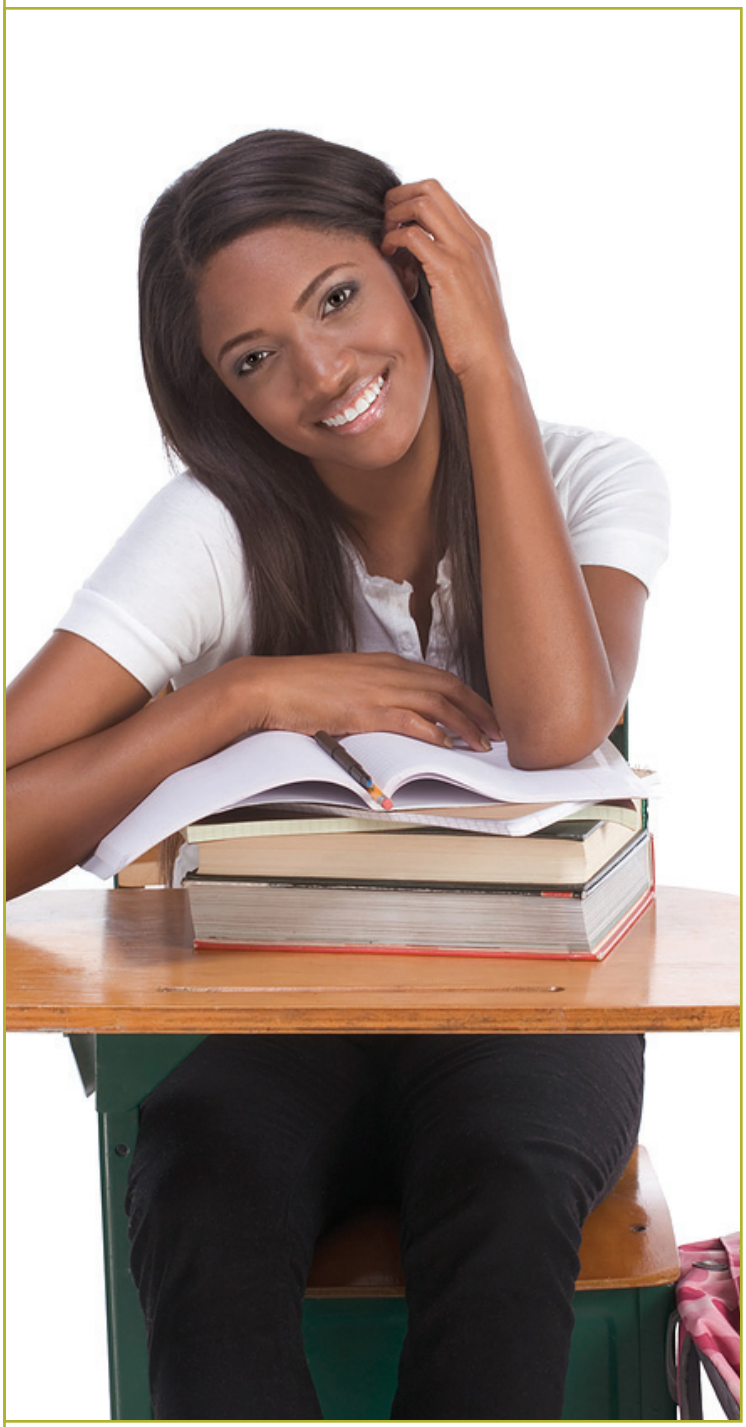
1.7 Strategy: *Coordinate outreach efforts to high school counselors to provide them with information on programs and benefits available to current and former foster youth at the annual Texas Counselors Association conference and education service center workshops and through coordinated efforts of DFPS and TEA.*

1.8 Strategy: *Customize existing pamphlet/checklists to reflect unique needs and opportunities for youth and their advocates and caretakers, DFPS caseworkers, and high school counselors for use in youths' freshman, sophomore, junior, and senior years to make sure students are ready for post-secondary education.*

Commentary: Include information about education and training vouchers (ETV), tuition fee waivers, ACT/SAT, financial aid and scholarships applications, deadlines, and timelines, with suggestions such as: "During your senior year, you should be attending to these things… During your junior year, talk to your high school counselor about receiving an SAT test fee waiver, etc." Also include information about school, child welfare and community based programs that promote school success and college preparation such as SAT preparation, college readiness courses, and programs for first generation students.

46. Texas Reach, Embracing Higher Education for Foster youth. Available at http://www.texasreach.org/
47. Texas Youth Connection. Available at http://www.dfps.state.tx.us/txyouth/

1.9 Strategy: *Provide regional P-16 Council[48] contact information to DFPS Preparation for Adult Living (PAL) staff to facilitate exchange of information regarding college and employment recruiting events.*



1.10 Strategy: *Raise awareness of the benefits of Personal Graduation Plans (PGP) for students in foster care who did not perform satisfactorily on the state-required assessment instrument or are not expected to receive diplomas within five years following enrollment in high school.[49]*

Commentary: A PGP may be an effective tool to help increase the graduation rates of youth in care. The PGP may be forwarded with other school records to the youth's new school with a suggestion that the receiving school consider the existing PGP. If one does not exist, encourage the new school to create one, and to send it on to subsequent schools should the student have to transfer again.

1.11 Strategy: *Encourage students to seek fee waivers for costs of standardized tests such as the SAT, ACT, or Preliminary SAT (PSAT) by working with local school counselors, and for post-secondary application fees by contacting post-secondary education institutions.*

1.12 Strategy: *Provide the link to Casey's It's My Life: Post-Secondary Education and Training Guide to all foster placements with middle and high school youth placed in their care and to CASA programs. Include link to the online guide in a letter to residential contractors and to middle and high school counselors.*

1.13 Strategy: *Work with Texas Reach and other stakeholders to develop a website similar to California College Pathways Programs: www.cacollegepathways.org/index.html.*

Commentary: Texas Reach does not currently have the staff support to implement this recommendation, but it may serve as a resource and connection to important post-secondary education institution stakeholders for this project. Funding should be sought to support the development of this type of website.

48. The Regional P-16 Councils membership includes local and regional K-12, higher education, and business leaders. Regional P-16 Councils work to address the complex issues in their local education systems, while promoting a college-going culture. Regional councils serve the important purpose of strengthening the states' progress towards the goals of Closing the Gaps.

49. Tex. Educ. Code Ann. §28.0212.

"Through the subcommittee discussions] we learned how difficult it is for foster youth to stay in the system until age 18 so that they are eligible for higher education benefits. We learned of the difficulties they encounter in finding low cost housing, getting co-signers for leases on apartments, getting money for security deposits when needed, accessing transportation when housing is far from higher education, living alone, and concentrating on school work when they are struggling with so many other issues." – Dr. Harriett Romo, Professor, Dept. of Sociology, University of Texas at San Antonio, Director of B of A Child and Adolescent Policy Research Institute (CAPRI) and UTSA Mexico Center, and Post-Secondary Education Subcommittee Member

2. Recommendation: Increase Retention in and Completion of Post-Secondary Education

2.1 Strategy: *Reduce PAL caseworker caseload to facilitate monitoring youth in post-secondary education or increase funding for after-care case management services.*

Commentary: A sizeable fiscal note will be required to implement this recommendation. Additionally, regional youth specialists, who are employees of DFPS, may be available to assist youth and young adults in post-secondary education activities, such as completing the FAFSA, going to college fairs, and explaining the education training voucher process.

2.2 Strategy: *Raise awareness of the need for staff at post-secondary campuses, dedicated to assisting former foster youth identify that staff, and provide networking and other support for campus programs.*

Commentary: Coordinate efforts with Austin Community College, Sam Houston State University, the University of Texas at San Antonio, Texas State University, the University of Texas at El Paso, and Texas A&M at Commerce programs for technical assistance. These post-secondary education institutions all have innovative programs to assist students formerly in care.

2.3 Strategy: *Coordinate with Texas Reach to continue to identify existing statewide campus programs and initiatives for foster youth by surveying campuses to determine which have programs for youth formerly in care.*

Commentary: A partnership between Texas Reach and DFPS resulted in the creation of a list of post-secondary education campus programs and initiatives for students formerly in foster care, which is broken down by DFPS regions within the state. The partnership will continue updating and disseminating the list to stakeholders, including youth.

2.4 Strategy: *Develop college alumni mentoring groups of former foster youth and other college students to promote communication and to create ways to disseminate information to incoming foster youth.*

2.5 Strategy: *Assist post-secondary education campuses in creating and maintaining a list of available housing resources and contact information or determine whether such lists already exist and place list(s) on a website accessible to youth. Assist post-secondary education institutions in implementation of House Bill (HB) 452 regarding temporary housing between semesters.*

Commentary: HB 452, passed by the 82nd Texas Legislature in 2011, requires that, on the request of a qualifying student who transitioned out of foster care at age 18, the post-secondary academic institution in which the student is enrolled must assist the student to locate temporary housing in between academic semesters. This may include the provision of a stipend for reasonable housing costs not covered by financial aid or temporary housing directly to the student.

2.6 Strategy: *Help youth who transitioned from foster care at age 18 and currently are eligible for services through DFPS, including extended foster care, foster care locate a co-signer for apartment leases, if the youth is a minor or otherwise needs a co-signer.*

Commentary: Co-signing for a loan results in the co-signer becoming a party to the contract. This means a co-signed accepts responsibility for payment if the lessee, the youth formerly in care, cannot make the payment.

2.7 Strategy: *Encourage every campus to designate a single point of contact or campus office for youth formerly in care to contact regarding financial assistance, temporary housing assistance, and other questions and issues related to navigating the higher education system of each campus and to serve as a support network.*

Commentary: Some post-secondary education campuses have programs or staff in place specifically to assist students formerly in care. Other campuses have staff able and willing to assist students, but depending on the campus, these individuals may be part of one of several departments - financial aid, registrar, accounting, or student services. If each campus designates one single point of contact or campus office, this information may be passed along to incoming students transitioning out of care, allowing them to more easily access campus services and assistance.

3. Recommendation: Support Post-Secondary Education Success and Employment

3.1 Strategy: *Identify and recruit stable and trusted education advocates, college students, school professionals, college graduates who were formerly in foster care, or others from post-secondary education institutions, business community, and workforce boards to volunteer as mentors to former foster youth and to encourage mentoring programs on campuses.*

3.2 Strategy: *Promote information about the state law that requires preferential hiring of former foster youth for state jobs.*

Commentary: This information is already posted on the Texas Youth Connection website and should be posted at campuses and career services offices. Include information about preferential hiring for state-funded jobs available on campus.

3.3 Strategy: *Develop internships and apprenticeships at post-secondary institutions for former foster youth or promote existing internships and apprenticeships by providing information about opportunities, eligibility, and how to apply.*

Commentary: Recommendations in this category that affect youth who are age 18 or older require consent by the youth to share personal information and to participate in the recommended activities. While a youth age 18 or older may agree to extended foster care, it is important to remember that they are considered adults and maintain the ability and right to consent.

V. MOVING THE COLLABORATION FORWARD & MAINTAINING THE MOMENTUM

The Education Committee, as envisioned by the Supreme Court of Texas, was to be a short-term effort of less than two years. But, as part of its charge, the Court directed the Education Committee to develop a collaborative model that will continue systemic improvement of educational outcomes after this Final Report is submitted. As the Education Committee closes this chapter, it must look forward and make certain the book is completed.

When the Education Committee convened in September 2010, its members were unsure of their roles in the collaborative and how their participation might affect systemic change in three highly complex and distinct systems. The members now realize that continued participation of courts, education and child welfare is critical if the recommendations are to become a reality.

> "There are roughly 28,000 children in foster care in Texas and their academic success and ability to build a life for themselves is critically important to all Texans. Their path to success leads through our public schools. Collaboration between the Department of Family Protective Services, the Texas Education Agency, and local school districts is crucial, and adequate funding from the Legislature is necessary to be successful in serving these youth." – **Dr. Johnny Veselka, Executive Director, Texas Association of School Administrators, and Education Committee Member**

As a body, the Education Committee has completed its charge. Now the task is to ensure the recommendations are implemented. Therefore, the Education Committee members commit to the following:

All Members – Designate an Implementation Task Force of former Education Committee and subcommittee members and others to assess the execution of the recommendations.

All Members – Meet annually and report the implementation progress to the Children's Commission.

All Members – Support conducting a statewide, multi-disciplinary Education and Foster Youth Summit in 2013 to raise awareness of the Education Committee recommendations and to promote further collaboration between court, education, and child welfare stakeholders on a state and local level.

The Children's Commission – Continue the collaboration by engaging in the work of the Texas TRIO grant and future initiatives to improve the educational outcomes of children and youth in foster care. Assist the Texas Center for the Judiciary, the State Bar of Texas, and other legal organizations to promote education of judges and attorneys and to develop tools and training regarding these issues. Work with the Texas Center for the Judiciary and a planning group to hold an Education and Foster Youth Summit in 2013.

The Honorable Patricia Macías, Chair – Raise awareness among the judiciary in Texas and nationally through publications and presentations. Work jointly with Casey Family Programs, the American Bar Association Center on Children and the Law, and other national organizations to promote the work of the Education Committee and how it may be replicated in other jurisdictions. Work with Children's Commission staff in the development of judicial tools and resources.

The Honorable Cheryl Shannon, Vice-Chair – Require education advocacy training of attorneys and CASA appointed to represent children in Dallas County DFPS cases. Raise awareness among the judiciary in Texas and nationally through publications and presentations. Work with Children's Commission staff in the development of judicial tools and resources.

DFPS Commissioner Howard Baldwin – Develop an agency plan to implement the recommendations and designate lead staff responsible for implementation. Continue dedicating the resources of the state and regional education specialists. Raise awareness of Texas efforts among child welfare administrators nationally. Designate a staff member to participate on the Implementation Task Force. Assist with the development of child welfare policy related to improving education outcomes for children and youth in foster care.

Ms. Joy Baskin – Continue to raise awareness among education stakeholders in Texas and nationally through publications and presentations. Participate as a member of the Implementation Task Force. Participate on the planning committee for the statewide Education Summit.

Ms. Claudia Canales – Work with Children's Commission staff, the State Bar of Texas, local bar associations, and attorneys to develop attorney training related to education advocacy.

Mr. James B. Crow – Designate a TASB staff member to participate on the Implementation Task Force. Support the development of a TASB staff member's expertise in child welfare and education issues. Assist with the development of education policy related to children and youth in foster care. Promote partnerships between education and child welfare stakeholders.

Ms. Lori Duke – Work with Children's Commission staff, the State Bar of Texas, local bar associations, and attorneys to develop attorney training and tools related to education advocacy. Participate on a planning committee for the statewide Education Summit. Participate as a member of the Implementation Task Force.

Ms. Anne Heiligenstein – Raise awareness of work of the Texas Education Committee nationally and coordinate assistance of Casey Family Programs.

"As Co-Chair of the Education Committee, I have experienced great pride in seeing our partners come together sincerely engaged and invested in the quest to improve and enhance educational outcomes for children and youth in foster care." – The Honorable Cheryl Shannon, Education Committee Vice Chair and Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families Member

The Honorable Rob Hofmann – Continue involvement with the National Center for State Courts to establish court performance measurements regarding educational outcomes of children and youth in care. Chair a workgroup regarding special education issues and report on the progress of that workgroup to the Education Committee on an annual basis. Raise awareness among the judiciary in Texas and nationally through publications and presentations. Work with Children's Commission staff in the development of judicial tools and resources. Participate as a member of the Implementation Task Force.

Ms. Carolyne Rodriguez – Raise awareness of the work of the Texas Education Committee nationally and request and coordinate technical assistance from Casey Family Programs in support of the implementation process. Ensure Casey staff membership and participation on the Implementation Task Force.

Ms. April McWilliams – Offer insight into impact on youth during implementation of the recommendations.

TEA Commissioner Robert Scott – Support the development of a staff member's expertise in child welfare and education issues. Assist with the development of education policy related to children and youth in foster care and dissemination of policy and information to foster care liaisons in school districts and others in the education community. Designate a staff person to participate on the Implementation Task Force.

Ms. Vicki Spriggs – Designate a staff member to participate on the Implementation Task Force. Support the development of a staff member's expertise in education issues. Encourage development of Texas-specific education advocacy training for CASA programs.

Dr. Johnny Veselka – Designate a staff member of TASA to participate on the Implementation Task Force. Support the development of a TASA staff member's expertise in child welfare and education issues. Assist with the development of education policy related to children and youth in foster care. Assist in identifying school administrators to participate in focus groups regarding education and foster care issues. Promote partnerships between education and child welfare stakeholders.

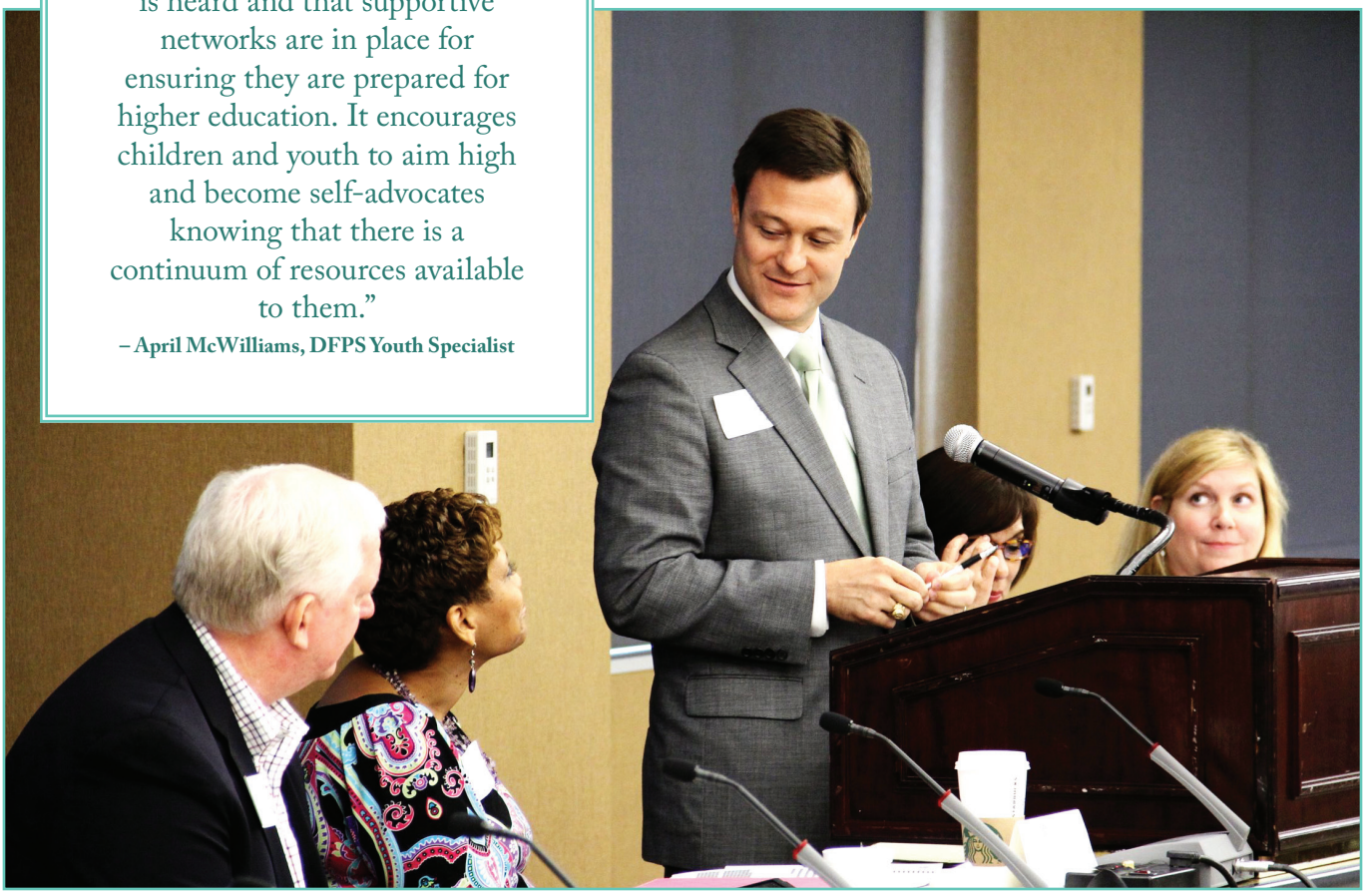
VI. CONCLUSION

"Initially I expected the scope of the recommendations to be much smaller, and not make fundamental changes. However, over time I witnessed the dedication and passion each member of the committee and subcommittees had to improve the lives of children in foster care through this collaboration and knew the recommendations would be very meaningful and represent significant, positive change. The committee and subcommittees worked tirelessly to provide information to other subcommittee members but also to develop recommendations that could be implemented and achieve the intended outcomes. The final report and list of recommendations far exceeded my expectations." **– Audrey Deckinga, DFPS Assistant Commissioner of CPS**

"The recommendations from the Education Committee will change the educational experience of a child or youth in foster care by providing them with support and advocacy in every stage of service. They ensure that the child or youth is heard and that supportive networks are in place for ensuring they are prepared for higher education. It encourages children and youth to aim high and become self-advocates knowing that there is a continuum of resources available to them."

– April McWilliams, DFPS Youth Specialist

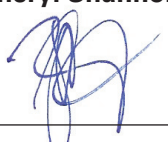
The idea began with a group of judges and child welfare stakeholders and resulted in the highest court in Texas rendering an order establishing the Education Committee and charging it with issuing recommendations for improving education outcomes of children and youth in foster care. Through this order, many hoped the seeds of collaboration would be planted. Almost two years later, a strong working partnership has been established. Together, courts, child welfare, and education will continue the efforts until the recommendations become seamless within each system and institution.



In support of the recommendations: The recommendations and commentary contained in this final report reflect the consensus views of the Education Committee of the Supreme Court Children's Commission. The following signatures of each member of the Education Committee signify a commitment to the process used in fulfilling the Supreme Court mandate, as well as to the spirit of the recommendations embodied in this report. The members further agree to promote the ideals reflected in these recommendations within their personal and organizational spheres of influence.

The Honorable Patricia Macías, *Chair*

The Honorable Cheryl Shannon, *Vice-Chair*



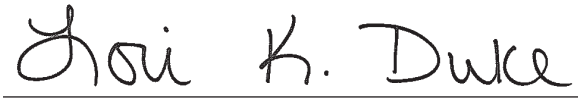
Howard Baldwin, *Commissioner, Texas Department of Family and Protective Services*

Joy Baskin, *Director, Legal Services Division, Texas Association of School Boards*

Claudia Canales, *Attorney*

James B. Crow, *Executive Director, Texas Association of School Boards*

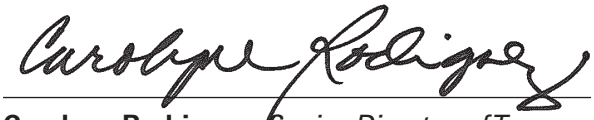
Audrey Deckinga, *Assistant Commissioner of CPS, Texas Department of Family and Protective Services*



Lori Duke, *Clinical Professor, Children's Rights Clinic, University of Texas School of Law*

Anne Heiligenstein, *Senior Policy Advisor, Casey Family Programs*

The Honorable Rob Hofmann, *Associate Judge, Child Protection Court of the Hill Country*

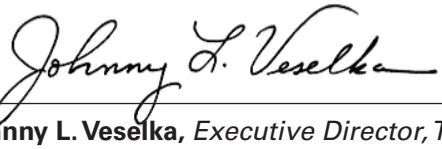


Carolyne Rodriguez, *Senior Director of Texas Strategic Consulting, Casey Family Programs*

April McWilliams, *Youth Specialist, Texas Department of Family Protective Services*

Robert Scott, *Commissioner, Texas Education Agency*

Vicki Spriggs, *Chief Executive Officer, Texas CASA*



Dr. Johnny L. Veselka, *Executive Director, Texas Association of School Administrators*

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 10-9079

ORDER ESTABLISHING EDUCATION COMMITTEE OF PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

1. On any day in Texas, over 25,000 children are in the legal conservatorship of the state. A majority of these children are between ages 5 and 18, thus legally required to be enrolled in school.

2. Courts play a critical role in reviewing the circumstances of a child placed in the conservatorship of the state. In fact, the Texas Family Code requires a court to determine what plans and services are needed to meet the child's special needs or circumstances.[i]

3. The Texas Legislature has enacted legislation to emphasize the importance of graduating from high school and attending college. During the 2009 session, the Texas Legislature passed Senate Bill 2248, which amended the Texas Education Code to require the Texas Education Agency to assist the transition of students in foster care from one school to another.[ii] Additionally, the Texas Legislature has enacted legislation allowing former foster youth who age out of foster care to attend state universities through tuition fee waivers.[iii]

4. The Permanent Judicial Commission for Children, Youth and Families was created, in part, to promote judicial leadership at a high level to effectuate system improvement. At the Third National Judicial Leadership Summit on the Protection of Children, held in Austin during October 2009, the Texas attendees recognized the need to improve educational outcomes for children in the state's foster care system. The Texas Summit Action Plan developed at the summit included the goals of improving education outcomes through greater collaboration and by keeping children closer to their homes.

5. The American Bar Association Legal Center for Foster Care and Education identified challenges facing children in foster care nationally, including the following:

- Quality of education is important for the future success of all children;

- According to studies, children in foster care struggle academically, with higher drop-out rates, lower graduation rates, and lower scores on statewide tests than the general population;

- Children in foster care are highly mobile; and,

- Mobility is affecting the education outcomes for children in foster care.

6. The National Working Group on Foster Care and Education, a group of influential national organizations, was formed to ensure successful educational outcomes for children and youth in foster care across the country.[iv] The working group identified four objectives with the potential for improving educational opportunities and outcomes for children in foster care:

- Improved educational stability for children and youth in foster care;

- Seamless educational transitions for children and youth when school changes do occur;

- High quality educational experiences, expectations, and aspirations for young people in foster care; and,

- Greater national attention to the disparate educational outcomes for young people in foster care, particularly youth of color.

7. Although there are many organizations and individuals throughout the state who share a commitment to improving our child-welfare system, the Children's Commission is in a position to coordinate a comprehensive effort aimed at improving education outcomes for children in foster care. The Texas Summit Action Plan goals will be reached by identifying state level education partners and establishing a high-level committee to look at educational needs and outcomes. The committee will work collaboratively to recommend solutions to enhance court practices to ensure educational needs are met and improve educational outcomes.

The Court HEREBY ORDERS that:

1. An education committee be established to develop initiatives designed to improve courts and court practice regarding educational outcomes of children and youth in the child protection system.

2. The membership of the Education Committee shall reflect the diverse ethnic, gender, legal, and geographic communities in Texas and shall include:

- The Honorable Patricia Macias, 388th District Court, El Paso;
- The Honorable Cheryl Shannon, 305th District Court, Dallas;
- Judge Rob Hofmann, Child Protection Court of the Hill Country, Mason;

- Anne Heiligenstein, Commissioner, the Texas Department of Family and Protective Services, Austin;
- Robert Scott, Commissioner of Education, Texas Education Agency, Austin;
- James B. Crow, Executive Director, the Texas Association of School Boards, Austin;
- Johnny L. Veselka, Executive Director, the Texas Association of School Administrators, Austin;
- Chair, State Bar of Texas School Law Section;
- A parent's attorney to be identified by the Chair of the Education Committee;
- Lori Duke, Clinical Professor, Children's Rights Clinic, University of Texas School of Law, Austin;
- A former foster youth to be identified by the Chair of the Education Committee;
- Carolyne Rodriguez, Director, Texas Strategic Consulting, Casey Family Programs; and,
- Joe Gagen, Chief Executive Officer of Texas CASA, Austin.

3. The Education Committee of the Permanent Judicial Commission for Children, Youth and Families shall:

- Identify and assess challenges to educational success of children and youth in the Texas foster care system;

- Identify and recommend judicial practices to help achieve better educational outcomes for children and youth in foster care;

- Seek to improve collaboration, communication, and court practice through partnerships with the Department of Family and Protective Services, the Texas education system, and stakeholders in the education and child-protection community;

- Identify training needs regarding educational outcomes for the judiciary and for attorneys who represent DFPS, children, and parents in child protection cases;

- Seek to develop a collaborative model that will continue systemic improvement of educational outcomes;

- Make recommendations regarding the exchange and sharing of education-related data; and,

- Provide the following to the Children's Commission:

    1) Preliminary report regarding the first meeting of the committee and the committee's structural organization and goals by no later than December 31, 2010;

    2) Interim report by no later than August 31, 2011 regarding the progress of the committee; and,

3) Final report by no later than March 31, 2012 regarding the progress of the committee and specific recommendations for further progress.

4. The committee will be chaired by the Honorable Patricia Macias, 388th District Court, El Paso, a member of the Permanent Judicial Commission for Children, Youth and Families.

BY THE COURT, IN CHAMBERS, this 20 day of May, 2010.

Wallace B. Jefferson, Chief Justice

Nathan L. Hecht, Justice

Harriet O'Neill, Justice

Dale Wainwright, Justice

David M. Medina, Justice

Paul W. Green, Justice

Phil Johnson, Justice

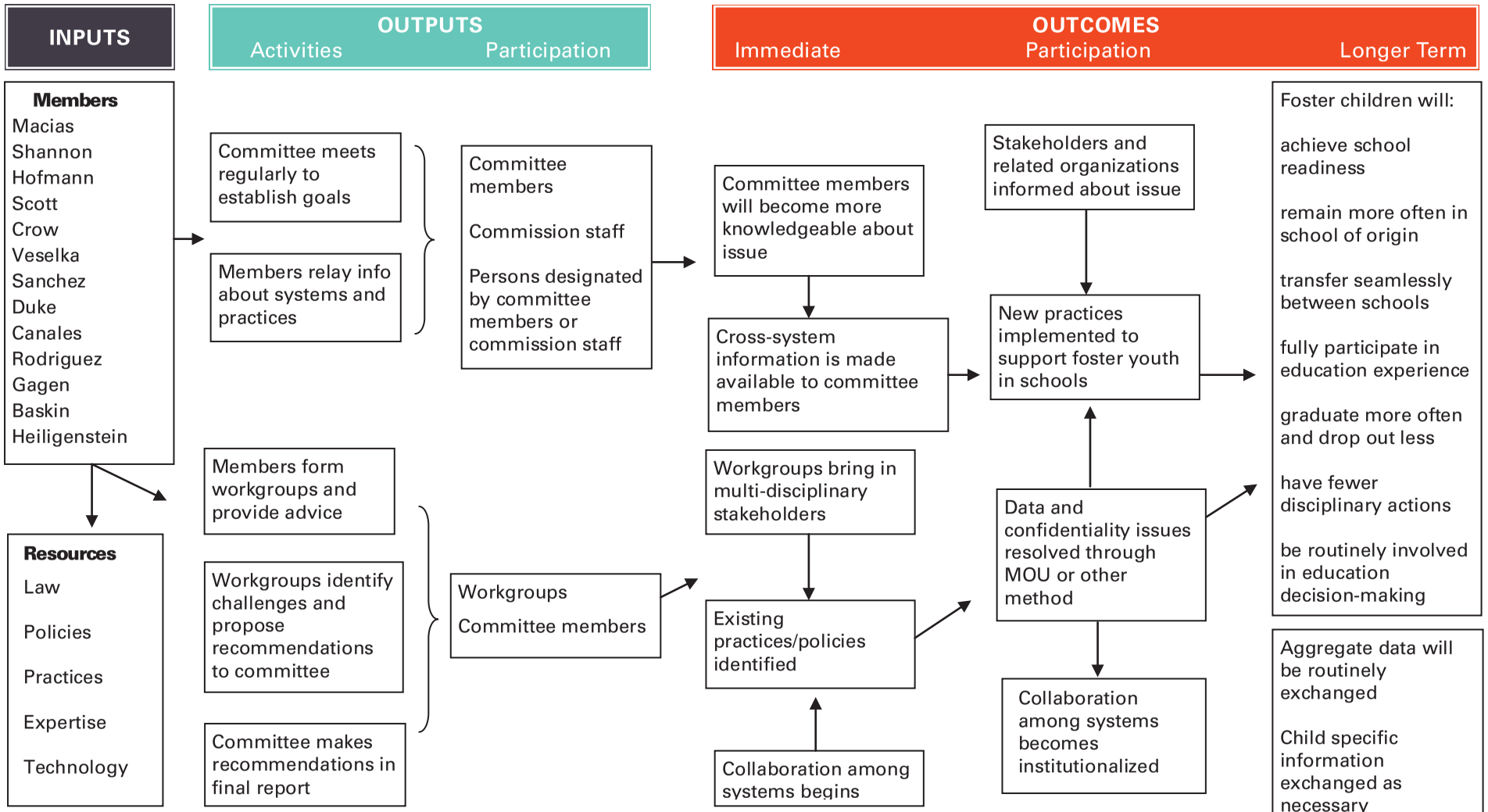
Don R. Willett, Justice

Eva M. Guzman, Justice

[i] See Texas Family Code Sections 263.306 and 263.503.
[ii] Enrolled version of Senate Bill 2248 at http://www.capitol.state.tx.us/tlodocs/81R/billtext/pdf/SB02248F.pdf.
[iii] See Texas Education Code Sections 54.211 and 54.2111.
[iv] The working group partners included: American Bar Association Center on Children and the Law, American Public Human Services Association, National Association of Public Child Welfare Administrators, Annie E. Casey Foundation, Association of Administrators of the Interstate Compact on Adoption and Medical Assistance, Casey Family Programs, Children's Defense Fund, Child Welfare League of America, Education Law Center (Pennsylvania), Juvenile Law Center, National CASA Association, National Child Welfare Resource Center on Legal and Judicial Issues, National Council of Juvenile and Family Court Judges, National Foster Care Coalition, National Foster Parent Association, and the Stuart Foundation.

Program: Education Committee Logic Model

Situation: Children and youth in the Texas foster care system face numerous challenges to achieving good educational outcomes.



Assumptions

- Educational outcomes of foster children and youth are dismal;
- Collaboration between the Education Committee members and stakeholders will lead to improved outcomes

External Factors

- Cross-system resources maximized
- Cross-systems made aware of need to address issue

School Experience, Advocacy, and Supports Subcommittee Workgroups

Education Decision-Making and Advocacy Workgroup

Ms. Denise Brady
Senior CPS Policy Attorney, Texas Department of Family and Protective Services, Austin

Mr. Mike Foster
Program Specialist, A World For Children, Round Rock

Ms. Christina Garrett
Foster Parent, Houston

Ms. Carolyn Landstrom
CASA volunteer and retired educator, Highland Lakes CASA, Kingsland

Ms. Sherry Lynn
CPS Education Specialist, Texas Department of Family and Protective Services, Quitman

Ms. Patricia Salinas
Family Group Decision Making Program Specialist, Texas Department of Family and Protective Services, Edinburg

The Honorable Virginia Schnarr
Associate Judge, Sabine Valley Child Protection Court, Daingerfield

Ms. Cheronda Tillman
CPS Youth Specialist, Texas Department of Family and Protective Services, San Antonio

School Discipline Workgroup

Ms. Linda Brooke
Director of External Affairs, Policy and Education Services, Texas Juvenile Justice Department, Austin

Ms. Katara Butler
Conservatorship (CVS) Program Director, Texas Department of Family and Protective Services, Houston

Ms. Carolyn Counce
Director, Policy Service and BoardBook, Texas Association of School Boards, Austin

Ms. Sheila Craig
Disproportionality Project Manager, Texas Health and Human Services Commission, Center for the Elimination of Disproportionality and Disparities, Austin

Mr. Harley Eckhart
Deputy Executive Director, Texas Elementary Principals and Supervisors Association, Austin

The Honorable Angela Ellis
Associate Judge, 315th Juvenile Court, Houston

Mr. Mike Foster
Program Specialist, A World For Children, Round Rock

Ms. Deborah Fowler
Deputy Director, Texas Appleseed, Austin

Ms. Cindy Kirby
Director of Professional Development, Texas Association of Secondary School Principals, Austin

Mr. Tom Leyden
Associate Executive Director, Texas Association of Secondary School Principals, Austin

Ms. Kristine Mohajer
State Education Program Specialist, Texas Department of Family and Protective Services, Austin

Ms. Mary Christine Reed
Director, Foster Youth Justice Hotline, Texas Rio Grande Legal Aid, Austin

Mr. Leon Smith
Executive Director, Therapeutic Family Life, Austin

Mr. Jim Walsh
Attorney, Walsh, Anderson, Brown, Gallegos and Green, Austin

Ms. Julie Wayman
Director, Dropout Prevention and Recovery Initiatives, Texas Education Agency, Austin

School Services and Supports Workgroup

Ms. Denise Brady
Senior CPS Policy Attorney, Texas Department of Family and Protective Services, Austin

Mr. Christopher D. Caesar
Director of Dropout Prevention, Houston ISD, Houston

Mr. Mike Foster
Program Specialist, A World For Children, Round Rock

Ms. Kathy Goodwin
Former Special Education Teacher, Spring Branch ISD, Houston

Mr. Sam Greer
Executive Director, Foster Apprentice Training Enterprises, Inc., Austin

The Honorable Rob Hofmann
Associate Judge, Child Protection Court of the Hill Country, Mason

Mr. Richard Lavallo
Legal Director, Disability Rights Texas, Austin

Ms. Leslie Story
Senior Attorney, Legal Services, Texas Association of School Boards, Austin

Ms. Vicki Summers Thornton
Special Education Director, Longview ISD, Longview

Mr. James Vardy
Education Specialist (ret.), Texas Department of Family and Protective Services, Wolfforth

TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES
HIGHER EDUCATION SERVICES/INFORMATION FOR CURRENT AND FORMER FOSTER YOUTH, ADOPTED YOUTH AND YOUTH IN PERMANENCY CARE ASSISTANCE / PERMANENT MANAGING CONSERVATORSHIP

EDUCATION AND TRAINING VOUCHER (ETV) PROGRAM	STATE TUITION AND FEE WAIVER	OTHER DFPS EDUCATION SOURCE
Brief Description- Based on need, the ETV program provides up to $5,000 a year to eligible youth to be used for education related expenses including rent, utilities, childcare, computers, books, transportation, and personal expenses for youth enrolled in college or specialized postsecondary vocational programs.	Brief Description- The state tuition and fee waiver provides exemptions at Texas state supported institutions of higher education to certain youth who were formerly in foster care, adopted youth, and youth in Permanent Managing Conservatorship.	Brief Description- Preparation For Adult Living (PAL) Services prepare youth for adult life when they leave foster care.
Eligibility: FOSTER YOUTH » Youth in foster care who are at least 16 and likely to remain in care until 18; or » Youth who aged out foster care but have not turned 21.	**Eligibility:** FOSTER YOUTH-MUST BE IN DFPS CONSERVATORSHIP ON OR AFTER: » The day preceding the student's 18th birthday; » The day of the student's 14th birthday, if also eligible for adoption on or after that day; » The date the student graduates from high school or receives the equivalent of a high school diploma.	**Eligibility:** The targeted priority population are youth in DFPS-paid substitute care who are at least age 16 or older and likely to remain in foster care until at least age 18. Youth may qualify for PAL services up to their **21st** birthday.
ADOPTED YOUTH OR YOUTH WHO ENTER PERMANCEY CARE ASSISTANCE (PCA) » Youth not yet age 21 and are adopted after turning after age 16; or » Youth not yet age 21 and entered PCA after age 16.	ADOPTED YOUTH » Adoption occurred on or after September 1, 2009; OR » Adopted and the subject of an adoption assistance agreement for monthly financial assistance and Medicaid. PERMANENT MANAGING CONSERVATORSHIP(PMC) » PMC of the student was granted to an individual other than the student's parent on or after September 1, 2009.	**Benefits:** Transitional Living Allowance-Up to $1,000 and must meet the qualification requirements to include completion of PAL Life Skills Training. Aftercare Room and Board Assistance-Based on need and emergency, up to $500 a month (not to exceed $3,000 of accumulated payments) and have been in DFPS paid care at age 18 and meet qualification requirements.
Age 21-23 participation: Youth who are participating in ETV on their 21st birthday may remain eligible until age 23 as long as they are enrolled and making satisfactory progress toward completion of postsecondary education or a vocational training program.	DUAL CREDIT COURSES » Students who enroll in a dual credit course or other course in which they may earn joint high school and college credit. Must be in DFPS conservatorship on the day of enrollment. NOTE: ETV funds may be used for some college attendance cost not covered by the tuition fee waiver.	**Program Enrollment (meet eligibility criteria) and:** » Be between 16 and 21 years of age; and » Meet qualification requirements as they apply to each PAL Service.
Program Enrollment (meet eligibility criteria) and: » Have a high school diploma or GED or be exempt from required school attendance; and » Be enrolled in an institution of higher education before age 21; and » Complete and file an ETV application with required supporting documentation. For more information go to this website: www.bcfs.net/etv.	**Higher Education Enrollment/Age Criteria:** FOSTER YOUTH, YOUTH IN PMC, AND YOUTH ADOPTED ON OR AFTER SEPTEMBER 1, 2009— » Must enroll in an institution of higher education as an undergraduate not later than the student's 25th birthday. ADOPTED YOUTH SUBJECT TO AN ADOPTION ASSISTANCE AGREEMENT— » There is no age limit to enroll in an institution of higher education.	For more information about PAL services go to this website: www.dfps.state.tx.us/Child_Protection/Preparation_For_Adult_Living/default.asp

EDUCATION COMMITTEE
JUDICIAL PRACTICES RECOMMENDATIONS AND STRATEGIES

#	RECOMMENDATION	STAKEHOLDERS	FISCAL IMPLICATION	GUIDING PRINCIPLE	TIMEFRAME TO IMPLEMENT
1.	**Enhance Judicial Decision-Making on Education Issues at All Statutorily Required Hearings under Texas Family Code Chapters 262 and 263, Excluding Ex Parte Hearings**				
1.1	Amend Family Code §262.201 to require courts to include identity of the education decision maker in relevant court orders. Develop standard language to be included in court orders regarding education decision maker and decision-making rights, including emergency orders.	DFPS, Children's Commission	Yes	1-8	Intermediate
1.2	Develop a stand-alone court order outlining educational rights and duties of parents, conservators, DFPS, guardians and attorneys ad litem, and others. Require DFPS to provide a stand-alone order to schools, as soon as possible, within 15 business days of written receipt.	DFPS, Children's Commission	Yes	1-8	Intermediate
1.3	Address school placements during all statutorily required hearings and require court reports to include the following information about the child's educational needs: whether the child's school changed, and if so, reasons for the school change; whether the child is currently enrolled in school; whether there are any issues related to record and credit transfer; and whether an education portfolio has been created for the child and is both up to date and located at the child's current placement.	DFPS, Children's Commission	No	1-2, 4-8	Short-term
1.4	When appropriate, appoint the guardian ad litem or CASA as the surrogate parent under the *Individuals with Disabilities Education Act*. Consider such appointments for all children in residential treatment center (RTC) placements.	Courts	No	5	Intermediate
2.	**Enhance Judicial Decision-Making on Education Issues at Ex Parte or Emergency Hearings and 14-Day Adversary Hearings**				
2.1	During an ex parte hearing in which a court orders removal of a child, consider appropriateness of the child's school selection determination by DFPS, including whether the child should remain in the school of origin, and make orders as appropriate.	Courts	No	1-2	Short-term
2.2	Inquire whether the caseworker verified that the caretaker or foster parent immediately enrolled the child in a new school and, if applicable, whether all relevant school records have been transferred.	Courts	No	2	Short-term
2.3	Require DFPS court reports to include why it was not possible to keep a child in his school of origin when removed from the home.	Courts, DFPS	No	1	Short-term
2.4	Inquire whether appropriate efforts were made to allow the child to remain in the child's school of origin.	Courts	No	1	Short-term

3. Enhance Judicial Decision-Making on Education Issues at Status, Permanency, and Placement Hearings

3.1	Add consideration of education issues to findings made pursuant to Texas Family Code §§263.306 [Permanency Hearings] and 263.503 [Placement Review Hearings].	Courts	No	3	Short-term
3.2	Amend Texas Family Code Chapter 107 to add the following to the duties and responsibilities of attorneys and guardians ad litem appointed in DFPS cases – Inquire into the scheduling of a child's physiological, psychological, and educational assessments and treatment, prior to statutorily required hearings under Texas Family Code Chapter 263, beginning at the Status Hearing.	Courts, DFPS	No	3	Intermediate
3.3	If applicable, use court order to allow access by DFPS to Early Childhood Intervention (ECI) records.	Courts, DFPS	No	1-8	Long-term
3.4	If feasible, schedule court hearings for school-aged children outside of school hours.	Courts, DFPS	No	1-8	Intermediate
3.5	Encourage DFPS and their contractors, whenever possible, to schedule therapy sessions and parental/sibling visits outside of school hours.	Courts	Yes	4, 5, 7	Intermediate
3.6	Amend Texas Family Code Chapter 107 to add the following duty and responsibility of attorneys and guardians ad litem appointed in DFPS cases – To be knowledgeable about the child's educational needs and goals, including special education, whether child is at grade level, school behavioral interventions, ARDs/IEPs, extracurricular activities, and whether the child has a post-secondary education goal.	Courts	Yes	1-8	Intermediate
3.7	Authorize guardians ad litem to request hearings regarding educational needs between statutorily required hearings.	All	No	1-8	Long-term
3.8	Encourage youth participation in permanency and placement review hearings to enable discussion of post-secondary education goals.	Courts	No	1-8	Intermediate
3.9	During hearings, as age appropriate, emphasize to youth and caregivers that post-secondary education, including a vocational track, is a viable option for youth in care.	Courts, DFPS	No	8	Intermediate
3.10	Require DFPS to include in court reports information that has been made available to DFPS regarding school discipline actions which resulted in juvenile or municipal court action, including Class C ticketing, or any modifications to IEPs.	Courts, DFPS	Yes	4, 5	Intermediate
3.11	Continue the appointment of the attorney and guardian ad litem, especially CASA, on the case to address education issues until the youth permanently leaves care. If the attorney ad litem is dismissed before the youth leaves care, identify an education advocate by court order.	Courts	Yes	4-8	Intermediate
3.12	Require youth's attorney or guardian ad litem to participate in an exit interview with youth to ensure awareness of post-secondary education options.	Court	Yes	8	Intermediate
3.13	When a child reaches the age of 14, require post-secondary education planning to be included in court reports, such as post-secondary education goals, availability and completion of the American College Testing Assessment (ACT) and/or the Scholastic Assessment Test (SAT), and whether the youth has submitted college or technical school applications.	Court, DFPS	No	8	Short-term
3.14	Require that a letter from DFPS with information about the education/training voucher and tuition fee waiver be attached to any final order appointing a person as Permanent Managing Conservator of a youth age 16 or older.	Courts, DFPS	Yes	8	Intermediate

EDUCATION COMMITTEE
DATA AND INFORMATION SHARING RECOMMENDATIONS AND STRATEGIES

#	RECOMMENDATION	STAKEHOLDERS	FISCAL IMPLICATION	GUIDING PRINCIPLE	TIMEFRAME TO IMPLEMENT
	1. Perfect and Expand the Routine Exchange of Aggregate Data between Agencies to Determine How Children in Foster Care Fare Educationally and to Evaluate Improvement in those Education Outcomes over Time				
1.1	Include Pre-Kindergarten (Pre-K) enrollment data in the data shared between TEA and DFPS under the existing MOU.	DFPS, TEA	No	3	Short-term
1.2	Develop a method of determining the number of children and youth who remain in their schools of origin after entering substitute care, possibly through use of DFPS' IMPACT system.	DFPS, TEA	Yes	1, 2	Long-term
1.3	Determine a method to begin tracking school mobility (change of school placements) of children and youth in foster care in aggregate form and to share this data between DFPS and TEA under the existing MOU.	DFPS, TEA	Yes	1, 2, 4-7	Intermediate
1.4	Annually identify school districts with significant foster youth populations as determined by TEA and DFPS. Work with the identified districts and their House Bill 826 foster care school district liaisons to identify best practices and areas in need of improvement.	TEA, DFPS	No	2-7	Short-term
1.5	Determine feasibility of DFPS providing data to the Public Policy Research Institute (PPRI) at Texas A&M University to compare data on foster youth to data collected regarding students who were part of the Justice Center study on school discipline and its relation to student success and juvenile justice involvement.	DFPS	Yes	5	Intermediate
1.6	Include in the aggregate data, as tracked by PEIMS and shared between TEA and DFPS under the existing MOU, each restraint by school personnel of a child in the temporary or permanent managing conservatorship of DFPS.	DFPS, JJD, TEA	Yes	5	Long-term
1.7	Develop a method to track and exchange information between juvenile justice, TEA, Independent School Districts, and DFPS about school-related offenses and school disciplinary action of children and youth in care on an aggregate level. TEA to continue to provide aggregate data about student disciplinary actions as currently provided pursuant to the TEA/DFPS MOU.	JJD, TEA, DFPS	Yes	5	Long-term
1.8	Determine what data needs to be collected by DFPS, the Texas Higher Education Coordinating Board (THECB), and post-secondary education campuses. Define the purpose of the data, identify data collection methods, and determine which entity has the capability to collect, disseminate and report the data.	DFPS, THECB, Post-Secondary Education Institutions	Yes	8	Long-term

1.9	Develop methods to promote exchange of data and other information between DFPS, THECB, and post-secondary education campuses, which may include entering into MOUs or other formal or informal agreements.	DFPS, THECB, Post-Secondary Education Institutions	No	8	Long-term
1.10	Develop a consistent, statewide process or procedure for post-secondary education campuses to utilize for identifying foster or former foster youth who enroll.	DFPS, THECB, Post-Secondary Education Institutions	Yes	8	Intermediate
1.11	Develop a method to determine the number of youth enrolled in post-secondary education at risk of loss of financial aid due to poor academic standing or dropping out for a semester.	DFPS, THECB	Yes	8	Long-term

2. Improve Child-Specific Information Sharing to Ensure that All Agencies and Stakeholders Have the Necessary Information to Serve the Education Needs of Children in Foster Care

2.1	Include Pre-K enrollment and/or Preschool Programs for Children with Disabilities (PPCD) records in Education Portfolio.	DFPS, placement	No	3	Short-term
2.2	Establish policies regarding the identification of students in foster care upon enrollment in a school, with appropriate safeguards to ensure confidentiality and privacy, but aimed at expediting the delivery of services and interventions.	DFPS, TEA, TASB	Yes	2, 4-8	Intermediate
2.3	Develop a handbook or protocols for DFPS and schools to give guidance/ requirements for use of sensitive information regarding children or youth in care.	DFPS, TEA, TASB, TASA	Yes	1, 2, 4	Intermediate
2.4	Create a new or utilize an existing method, such as a child information sheet, to alert schools about who may have contact with a child or pick up the child from school, and develop a procedure to keep the information current.	DFPS and Child Placing Agencies	No	1, 2	Intermediate
2.5	Determine a method of alerting the school of origin or former school of the child's enrollment in a new school.	DFPS, TEA	No	1, 2	Intermediate
2.6	Find funding for new or use existing technology to produce an electronic education portfolio.	DFPS, TEA	Yes	1, 2, 4-7, 8	Long-term
2.7	Develop a method to track and exchange child-specific information between juvenile justice, TEA, ISDs, and DFPS about school-related offenses and school disciplinary action of children and youth in care.	JJD, TEA, DFPS	Yes	5	Long-term

EDUCATION COMMITTEE
GENERAL TRAINING RECOMMENDATIONS AND STRATEGIES

#	RECOMMENDATION	STAKEHOLDERS	FISCAL IMPLICATION	GUIDING PRINCIPLE	TIMEFRAME TO IMPLEMENT
	1. Use Existing Stakeholder Resources to Promote Training and Raise Awareness				
1.1	Utilize existing stakeholder websites for hosting training, resources, and links and encourage the sharing of training across systems.	All	Yes	1-8	Intermediate
	2. Improve Judicial Training and Resources				
2.1	Improve or develop Judicial Checklists on education issues.	Children's Commission	No	1-8	intermediate
2.2	Add education-related content to the CPS Judges Bench Book.	Children's Commission	No	1-8	Intermediate
	3. Expand Training and Resources for Child Caregivers and Child Welfare Stakeholders				
3.1	Create educational videos or online learning opportunities and resource lists for kinship and other caregivers about school readiness and early education needs, including child development information, enrichment resources and strategies, and literacy activities.	DFPS, TEA	Yes	3	Long-term
3.2	To promote standardized statewide training across child placing agencies, develop additional or supplemental foster parent training regarding education issues, for applicable age group of children in home.	DFPS, TFFA, TACPA, CASA	Yes	1-8	Long-term
3.3	Develop education/foster care fact sheets and/or checklists for foster parents/caregivers, DFPS caseworkers, CASA, and attorneys and guardians ad litem.	Children's Commission, DFPS, TEA, Texas CASA, Texas Foster Family Association, THECB	Yes	1-8	Intermediate
3.4	Create a chart/checklist of school-related decisions and activities and identify who should participate in those decisions and activities – parent, foster parent or caretaker, CASA, DFPS caseworker, or youth.	DFPS, TEA, Children's Commission	Yes	1-8	Intermediate

4. Enhance Training Available to Schools

4.1	Utilize Education Service Center resources, such as distance learning rooms, to organize local school district foster care liaison gatherings and trainings and professional development programs for school staff.	TEA	Yes	1-8	Intermediate
4.2	Develop training for use by Education Service Centers, including use of webinars and the Endless Dreams video and consider use of complete Endless Dreams train the trainer curriculum.	TEA, DFPS, Children's Commission, Casey	Yes	1-8	Intermediate
4.3	Identify training needs regarding categorical eligibility and process for documentation of foster children in Early Head Start and Head Start.	DFPS, Texas Head Start Collaborative Office	No	3	Intermediate
4.4	Make presentations or engage in awareness activities at annual or regular meetings and conferences of TASB and TASA and other education organizations and education service centers about education issues, including post-secondary education, and unique challenges of youth in and formerly in care.	TEA, THECB, DFPS, TASB	No	8	Intermediate
4.5	Make presentations at education service center core group monthly meetings and use education service center representatives as focus groups to learn the best ways to disseminate information to high school, middle school, and elementary school counselors, school psychologists, and other school personnel.	TEA, DFPS, Children's Commission	No	8	Short-term

TRAINING CHART – JUDGES AND CHILD WELFARE STAKEHOLDERS

TOPIC	YOUTH IN CARE	PARENT	COURT	CPS	GAL/ CASA	AAL	PARENT'S ATTORNEY	FOSTER PARENT	CHILD PLACING AGENCY/ RTC	CARE TAKER
Education Decision-Making										
General education decision-making, including extent of education rights		X	X	X	X	X	X	X	X	X
Education Advocacy										
How to advocate in school setting, including how to interact with school district, key things to know about education, importance of balancing educational well-being with permanency and safety considerations	X	X		X	X	X	X	X	X	X
Importance of education and need for involvement in education setting		X		X	X	X	X	X	X	X
Importance of considering education when making decisions about placement		X	X	X	X	X	X	X	X	X
Disproportionality/Cultural Competency			X	X	X	X	X	X	X	
School Readiness										
Child Development		X	X	X	X	X	X	X	X	X
Age-appropriate assessments, including Texas Healthy Steps, who conducts, what supposed to diagnose, when to conduct		X	X	X	X	X	X	X	X	X
Early education needs, enrichment strategies, literacy activities		X	X	X	X	X	X	X	X	X
Eligibility and requirements for enrollment in ECI, Early Head Start and Head Start, and Pre-K programs		X	X	X	X	X	X	X	X	X
School Stability and Transitions										
Upon transfer to new school, new routines/set-up for learning environment	X							X		

Fostering Connections Act and education provisions	X	X	X	X	X	X	X	X	X	X
Enrollment procedures, including required records for enrollment	X	X		X	X	X	X	X	X	X
How to identify self to school staff for visits and records		X		X	X	X	X	X		X
Definition of an "education" record		X		X	X	X	X	X	X	X
Importance of school attendance	X	X	X	X	X	X	X	X	X	X

School Services and Supports										
Importance of education and stability of educational placement	X	X	X	X	X	X	X	X	X	X
IDEA, special education, surrogate parent, including when child placed in RTC, IEPs, ARDs, including transportation as part of IEP, best methods of including measurements, etc., in IEPs	X	X	X	X	X	X	X	X	X	X
Section 504 accommodations	X	X	X	X	X	X	X	X	X	X
Discipline issues, including use of Class C ticketing and restraints in school setting and implication for youth in care, behavior management, opt out of corporal punishment pursuant to HB 359	X	X	X	X	X	X	X	X	X	X
Existing education resources, including Texas Virtual School Network, mentoring, tutoring	X	X	X	X	X	X	X	X	X	X

Post-Secondary Education										
Housing (availability; application process, extended foster care, temporary housing between semesters)	X	X	X	X	X	X		X	X	X
How to pursue and prepare for post-secondary education (college, vocational), advanced studies, dual credit courses, high school graduation requirements, employment pathways	X	X		X	X	X		X	X	X
Post-secondary options for foster youth (education/tuition voucher, tuition fee waiver, how to lock-in benefits)	X	X	X	X	X	X		X	X	X
How to find resources such as career planning, Texas Workforce Board	X	X		X	X	X		X	X	X
How to communicate post-secondary education goals with schools										
Information about extended care, return to care, extended jurisdiction, and temporary housing	X	X	X	X	X	X	X	X	X	X

TRAINING CHART – EDUCATION STAKEHOLDERS

TOPIC	SCHOOL PRINCIPAL OR SUPERINTENDENT	SCHOOL BOARD	HB862 LIAISON	TEACHER	COUNSELOR, PSYCHOLOGIST OR NURSE	CAMPUS FRONT OFFICE	BUS DRIVERS	EDUCATION SERVICE CENTER	CHARTER SCHOOL	SCHOOL LAW ATTORNEY	ECI, EARLY HEAD START AND HEAD START
Overview of foster care, including timeframe, rules, and regulations and roles of attorneys and guardians ad litem, caseworkers, courts	X		X		X			X	X	X	
Endless Dreams curriculum	X	X	X	X	X	X		X	X	X	
Stereotypes about children in foster care	X		X	X	X	X		X	X		X
Trauma informed care, socio-emotional needs and issues of children in care, behaviors often exhibited in school setting, effective disciplinary methods, need for positive behavioral supports and interventions, including functional behavioral assessments, and related services including counseling, psychological services and social work	X		X	X	X		X	X	X		X
Disproportionality and cultural competency	X		X	X	X			X	X		X
Enrollment/records requirements and transfer issues for foster youth	X		X		X	X		X		X	
Categorical eligibility for Pre-K and Early Head Start and Head Start	X					X		X		X	X
Legal and educational rights specific to foster youth/students	X		X		X			X	X	X	
Credit accrual issues	X	X	X	X	X	X		X	X	X	
How and why children enter foster care	X		X	X	X			X	X	X	
Foster care policies and impact on school placement	X	X	X		X			X	X	X	

SCHOOL READINESS SUBCOMMITTEE RECOMMENDATIONS AND STRATEGIES

Guiding Principle #3: Young children in care (age 0-5) receive services and interventions to be ready to learn

#	RECOMMENDATION	STAKEHOLDERS	FISCAL IMPLICATION	GUIDING PRINCIPLE	TIMEFRAME TO IMPLEMENT
	1. Improve Access to Early Head Start and Head Start				
1.1	Develop a model statewide MOU between DFPS, TEA and Head Start and Early Head Start that can be used by local communities to support providing early childhood services to children in foster care.	DFPS, TEA, and Texas Head Start Collaboration Office	Yes	3	Intermediate
	2. Increase Access of Child Care Slots to Additional Populations of Children Involved with Foster Care System				
2.1	Expand access to Rising Star Day Care programs.	DFPS and Texas Workforce Commission	Yes	3	Long-term
	3. Enhance Knowledge of the Child Assessment Process for Young Children				
3.1	Promote, through existing or newly developed forms, more in-depth caseworker interview of birth parents about the child's developmental progress.	DFPS	No	3	Intermediate
3.2	Determine method to more efficiently relay information to CASA and attorneys ad litem (AAL) about the child's developmental status. Determine whether the child's plans of service are routinely provided to CASAs and AALs.	DFPS, Texas CASA, Children's Commission	No	3	Long-term
3.3	Include information in DFPS court reports about evaluations and assessments, including Texas Healthy Steps appointments, which comply with the Early Periodical Screening, Diagnosis, and Treatment (EPSDT) program required in every state.	DFPS	No	3	Short-term
3.4	Ensure placement summary forms and developmental history forms already in use by DFPS staff are sufficiently provided to new caretakers.	DFPS	No	3	Short-term

SCHOOL STABILITY AND TRANSITIONS SUBCOMMITTEE RECOMMENDATIONS AND STRATEGIES

Guiding Principle #1: Children and youth in care are entitled to remain in the same school when feasible

Guiding Principle #2: Children and youth in care experience seamless transitions between schools

#	RECOMMENDATION	STAKEHOLDERS	FISCAL IMPLICATION	GUIDING PRINCIPLE	TIMEFRAME TO IMPLEMENT
	1. Create Alternatives and Expand Use of Transportation to Keep Children in Their School of Origin, When in Their Best Interest				
1.1	Form a workgroup to develop best practice guidelines regarding transportation to the school of origin, including factors to consider in determining whether transportation should occur, such as the distance, time, and most reasonable mode of transportation to the school of origin.	DFPS, TASB, TEA	Yes	1-2	Long-term
1.2	Create a sample MOU for child placing agencies, children's shelters and local independent school districts regarding transportation and enrollment.	TEA, TASB, DFPS, shelters	No	1-2	Intermediate
	2. Improve Decisions regarding Keeping Children in Their School of Origin				
2.1	Continue the process at TEA for DFPS to confirm schools in which children are enrolled, as necessary.	TEA, DFPS	No	1-2	Short-term
2.2	Create a way of identifying school districts in which foster homes are located through geomapping or other technology.	DFPS, TEA	Yes	1-8	Long-term
	3. Increase Foster Care Capacity across School Districts				
3.1	Focus on recruitment of foster parents and kinship caregiver placements in the areas, determined by zip code and school district, where children and youth are removed from home.	DFPS	Yes	1-2	Long-term
3.2	Focus on recruitment of potential foster parents and kinship caregiver placements from the school setting when the child is removed.	DFPS	Yes	1-2	Long-term
3.3	Amend DFPS policy to add teachers and other education community members to expedited preliminary assessment process currently used for home studies of kinship placements.	DFPS	Yes	1-2	Long-term

4. Implement and Support House Bill (HB) 826 ISD Liaisons in School Districts

4.1	Track ISD appointments of HB 826 school district foster care liaisons. Promote awareness of the legislative requirement among school district superintendents.	TEA	No	1-2	Short-term
4.2	Create a listserv or other electronic communication tool for HB 826 school district foster care liaisons.	TEA	Yes	1-2	Short-term
4.3	Develop a toolkit, handbook and/or training for new HB 826 school district foster care liaisons and make available on-line and electronically. Work with HB 826 liaisons to identify best practices and areas where improvement needed.	TEA, TASB and DFPS	Yes	1-2	Short-term
4.4	Develop a list of responsibilities and duties of HB 826 school district foster care liaisons, including minimum training requirements and use of a communications network. Clarify the definition of children in the conservatorship of the state.	All	No	1-8	Intermediate
4.5	Determine a method to establish connections between the new HB 826 school district foster care liaisons and the DFPS Education Specialists.	DFPS and TEA	No	1-8	Short-term

5. Support Timely Enrollment When Children Initially Enroll or Change School Placements

5.1	Develop a letter from the child placing agencies about a foster parent's ability to enroll a child in school to attach to DFPS Form 2085 when the authority to enroll is given to a child placing agency rather than a specific foster parent.	DFPS, child placing agencies	No	1-8	Short-term
5.2	Consult with the Texas Department of State Health Services (DSHS) regarding whether to include foster children in the exception to the rule requiring immunization records to enroll a child who is in care in a new school, similar to that given to students who are homeless.	DFPS	No	1-8	Intermediate
5.3	Develop a model enrollment information chart for the front desks of school campuses to use.	TASB, DFPS, TEA	No	1-8	Short-term
5.4	Hold focus groups of principals and representatives of school administrator organizations to determine the type of information school administrators need, such as behavioral manifestations and academic histories, to appropriately place a child in an educational setting.	TASB, DFPS, Children's Commission	No	1-8	Short-term

#	RECOMMENDATION	STAKEHOLDERS	FISCAL IMPLICATION	GUIDING PRINCIPLE	TIMEFRAME TO IMPLEMENT
	6. Improve Timeliness and Efficiency of Transfer of Accurate School Records to New School Placements				
6.1	Provide a letter to school administrators on steps that need to be taken to increase timeliness of records transfers. Include information about the importance of records transfer and the HB 826 school district foster care liaison requirement in a To the Administrator letter to all school district administrators.	DFPS and TEA	No	1-8	Short-term
6.2	Review and assess school districts that have a high population of children with parents enlisted in the military, such as Killeen ISD, to determine the procedures used to address record transfer issues.	TEA, DFPS, Children's Commission	No	1-8	Intermediate
6.3	Determine whether the Texas Student Records Exchange (TREx) can be enhanced to serve as repository for school records in addition to being used to transfer records.	TEA	Yes	2	Long-term
	7. Address Issue of Lost Credits and Improve Credit Transfer and Recovery				
7.1	Compile strategies to address credit transfer, loss, and recovery.	TASB, DFPS, TEA	No	1-8	Long-term
7.2	Create school work recognition plans for students who experience educational disruption or who are placed temporarily in an educational program or school, which outlines how the student will complete coursework and earn credit.	TASB, TEA, DFPS, Children's Commission	Yes	1-8	Long-term
7.3	Encourage school districts to accept non-traditional coursework, such as correspondence or dual credit courses, as credit for students in foster care.	TASB, TEA, DFPS	No	1, 2, 4-8	Intermediate
7.4	Support use of dual credit courses by students in foster care to activate tuition and fee waivers.	TASB, TEA, DFPS	No	4-8	Intermediate
	8. Support and Maintain Increases in School Attendance				
8.1	Consider implications of and alternatives to taking youth out of school for therapy and other appointments, court, and family visits.	DFPS, Courts, Children's Commission	No	1-8	Short-term
8.2	Consider amending the Education Code to include court-ordered visitation and services in the category of excused absences from school to allow schools to count the child in attendance and give the child the opportunity to do make-up work.	All	No	1, 2, 4-8	Intermediate

SCHOOL EXPERIENCE, SUPPORTS, AND ADVOCACY SUBCOMMITTEE RECOMMENDATIONS AND STRATEGIES

Guiding Principle #4: Children and youth in care have the opportunity and support to fully participate in all developmentally appropriate activities and all aspects of the education experience

Guiding Principle #5: Children and youth in care have supports to prevent school dropout, truancy, and disciplinary actions and re-engage in the education experience

Guiding Principle #6: Children and youth in care are involved and empowered and prepared to self-advocate in all aspects of their education

Guiding Principle #7: Children and youth in care have consistent adult support to advocate for and make education decisions

#	RECOMMENDATION	STAKEHOLDERS	FISCAL IMPLICATION	GUIDING PRINCIPLE	TIMEFRAME TO IMPLEMENT
	1. Improve Education Decision-Making				
1.1	Amend the Family Code to authorize the education decision maker access to education records and notice of and attendance at specified school meetings, including parent/teacher conferences, ARDs, and disciplinary hearings, to the same extent as parents and amend the Education Code to require provision of notice of school meetings to the education decision maker, caretaker and DFPS caseworker, if the school is made aware of the identities of these persons.	All	Yes	5, 7	Long-term
1.2	Clarify in DFPS policy the list of different types of education decisions that may be made about a child in care and who should make that decision.	DFPS	No	7	Intermediate
	2. Promote and Improve the Quality of Education Advocacy				
2.1	As a best practice, conduct a conference for foster children upon/after enrollment in a new school, to be attended by all relevant school personnel as determined by the school district, the foster parent, youth, caseworker (in person or by conference call), the education decision maker, CASA, and the attorney and/or guardian ad litem.	All	Yes	1-8	Long-term
2.2	Require the education decision maker to complete a periodic Educational Advocacy Report, to correspond with the school's grading period, and to provide it to DFPS, CASA, and the attorney and guardian ad litem during monthly child/family visit to ensure education-related activities are being sufficiently conducted. Additionally, the education decision maker should provide the report to the court at periodic hearings.	DFPS, caretaker	Yes	1-8	Long-term
2.3	Require the DFPS caseworker to go over the contents of the Education Portfolio with parents and youth, as age appropriate, on a quarterly basis.	DFPS	No	1-8	Short-term
2.4	Request additional full-time equivalent (FTE) units for additional DFPS Education Specialist positions to support and advocate for foster children and youth in education settings.	All	Yes	1-8	Long-term

#	RECOMMENDATION	STAKEHOLDERS	FISCAL IMPLICATION	GUIDING PRINCIPLE	TIMEFRAME TO IMPLEMENT
	3. Better Coordinate Child Welfare and School Evaluations and Assessments				
3.1	Engage DFPS, TEA, and other stakeholders, as applicable, in mapping of assessment process and coordinate on development of assessment process (early childhood, psychological, speech, special education) that may be used jointly by education and child welfare, with relevant sections paid for by the requesting entity. Encourage reciprocity of assessments, if completed within a specified timeframe. Develop best practices to ensure early assessment and to avoid repeat testing and assessment for similar purposes.	DFPS, TEA, School Districts	Yes	1-8	Long-term
	4. Connect More Regular Education Youth in Care with School Services and Supports				
4.1	Determine feasibility of obtaining lap top computers with internet access for children and youth in care who need access to the Texas Virtual School Network or who are enrolled in middle and high schools where other students have computer and internet access.	All	Yes	4, 7	Long-term
4.2	Encourage schools to identify existing tutoring and mentoring programs within schools and communities and provide information to caretakers at the enrollment conference and regular progress checks.	TEA, DFPS	Yes	6-7	Short-term
4.3	Address issue of fee waivers for supports and services.	TEA, DFPS, School Districts, Community based organizations	Yes	4-7	Long-term
4.4	Encourage schools to consider students in care for campus-based programs or teams designed to help students with risk factors, such as the Intervention Assistance Team, Communities in Schools, or district 21st Century Community Learning Centers, when services are available on campus.	TEA, CASA	No	4-5	Intermediate
4.5	Establish peer or honor student mentoring programs in schools for students who are in the legal custody of DFPS similar to those used for children of persons in the military.	Schools	Yes	4-5	Long-term
4.6	Explore funding options to establish programs to provide tutoring from qualified teachers for children and youth placed in group homes, DFPS-paid placements, and relative placements.	Schools, Community based organizations	Yes	4-5	Long-term
4.7	Explore the feasibility of developing an MOU with the University Interscholastic League (UIL) to ensure students in foster care will not be denied involvement in UIL activities because of DFPS-initiated school moves.	DFPS, TEA	No	4-5	Intermediate
	5. Address Over and Underrepresentation in Special Education and Improve Special Education Experience				

5.1	Create special education and foster youth task force of school law attorneys, TEA, Texas Educational Diagnosticians' Association (TEDA), Texas Council of Administrators of Special Education (TCASE), and other organizations, including disability advocacy groups, to look into issues related to special education and children and youth in foster care, including the possible over and under representation of students in care in special education classes.	All	Yes	5	Intermediate
5.2	For ARD meetings of children in DFPS conservatorship, develop IDEA compliant methods for providing notice to parents, conservators, guardians and attorneys ad litem, and CASA programs. Include IDEA compliant language in notice about surrogate parent authority to invite or exclude participants and to advocate on behalf of that child.	All	Yes	1-8	Long-term

6. Improve School Experience of Children and Youth Enrolled in Charter Schools

6.1	Coordinate with the Texas Charter School Association (TCSA) to encourage all charter school board members that admit children and youth in foster care to receive training about their educational and other needs. Discuss with TCSA whether charter school administrators and faculty may also be encouraged to receive this type of training.	All	Yes	2, 4-8	Long-term
6.2	Clarify the DFPS Residential Child Care contract to say that a child placed in a Residential Treatment Center (RTC) may not automatically be enrolled in a RTC-associated charter school. If a child is eligible for special education services, an appropriate ARD committee should determine that the charter school would be the least restrictive environment for the child and DFPS and the surrogate parent should approve the child's attendance at the charter school. If the child is not eligible for special education services, DFPS should, in conjunction with the child's education decision maker, approve the child's attendance at the charter school and apprise the court as soon as practicable but by no later than the next scheduled court hearing pursuant to Chapter 263 of the Texas Family Code.	DFPS	No	2, 4-8	Intermediate

7. Lessen Frequency and Severity of School Discipline Actions

7.1	Establish best practice protocols for discipline of general education students in foster care who do not qualify for special education services, including convening a care team when a student in foster care is removed from the regular educational setting for a violation of the student code of conduct, in order to determine the best disciplinary action for the student.	All	Yes	5	Intermediate
7.2	Clarify for school districts and charter schools that the foster parent or caregiver is the person to notify of use of restraints.	Schools, DFPS	No	4, 5	Intermediate
7.3	Require the foster parent to notify the DFPS caseworker before every court reporting period about use of a restraint on the youth in the school setting. This information should be included in the caseworker's court report.	DFPS	No	4, 5	Intermediate
7.4	Encourage schools to establish a mentor within the school for students in care, such as the school counselor or a representative of a school-based community organization such as Communities in Schools, to help prevent behavioral and other issues before disciplinary action is required.	All, Schools	Yes	4, 5	Long-term
7.5	If a foster child's behavior interferes with his learning or the learning of others, urge schools to implement school-wide positive behavioral interventions and supports (PBIS), including functional behavioral assessments, and referrals to campus support services, counseling, psychological services and social work.	DFPS, TEA, Community based organizations	No	4, 5	Intermediate

POST-SECONDARY EDUCATION SUBCOMMITTEE RECOMMENDATIONS AND STRATEGIES

Guiding Principle # 8: Children and youth in care have support to enter into and complete post-secondary education

#	RECOMMENDATION	STAKEHOLDERS	FISCAL IMPLICATION	GUIDING PRINCIPLE	TIMEFRAME TO IMPLEMENT
	1. Increase Readiness for and Access to Post-Secondary Education				
1.1	Develop an online tool capable of compiling secondary school course credits, work and volunteer experience, as well as providing a means to help youth determine career paths, which includes informational videos for the youth and caretakers. The online tool should have graduated accessibility for the youth, the youth's caretakers and advocates, and child welfare and school representatives.	DFPS, Children's Commission, TEA, THECB	Yes	8	Long-term
1.2	Promote and target post-secondary education opportunities to youth in care beginning in middle school years.	DFPS, Texas CASA, Texas Foster Family Association (TFFA)	No	8	Long-term
1.3	Promote attorney ad litem communication about post-secondary education opportunities with their child clients as part of permanency planning.	Children's Commission, Courts	No	8	Short-term
1.4	Create new tools and better utilize existing tools to assess college readiness for youth before and during the transition planning process.	TEA, DFPS, THECB	Yes	8	Intermediate
1.5	Raise awareness of Texas Reach conference/website (www. texasreach.org) among high schools and post-secondary education institutions.	Children's Commission, DFPS, TEA, Texas REACH	No	8	Short-term
1.6	Coordinate with TEA, DFPS, and Post-Secondary Education Institutions to provide information about vocational, technical, and Texas Workforce Commission and local workforce board resources and update links on Texas Youth Connection and Texas REACH websites as a resource for school counselors, DFPS caseworkers, caretakers, and youth.	DFPS, TEA, Texas REACH, PSEI, THECB, Texas Workforce Commission (TWC)	Yes	8	Intermediate
1.7	Coordinate outreach efforts to high school counselors to provide them with information on programs and benefits available to current and former foster youth at annual Texas Counselors Association conference and education service center workshops and through coordinated efforts of DFPS and TEA.	TEA, DFPS, THECB, PSEI	Yes	8	Intermediate

1.8	Customize existing pamphlet/checklists to reflect unique needs and opportunities for youth and their advocates and caretakers, DFPS caseworkers, and high school counselors for use in youths' freshman, sophomore, junior, and senior years to make sure students are ready for post-secondary education.	TEA, DFPS, Children's Commission	No	8	Short-term
1.9	Provide regional P-16 council contact information to DFPS Preparation for Adult Living (PAL) staff to facilitate exchange of information regarding college and employment recruiting events.	THECB	No	8	Short-term
1.10	Raise awareness of the benefits of Personal Graduation Plans (PGP) for students in foster care who did not perform satisfactorily on the state-required assessment instrument or are not expected to receive diplomas within five years following enrollment in high school.	TEA, TASB, TASA, TASSP, and other education stakeholders	Yes	8	Intermediate
1.11	Encourage students to seek fee waivers for costs of standardized tests such as the SAT, ACT, or Preliminary SAT (PSAT) by working with local school counselors, and for post-secondary application fees by contacting post-secondary education institutions.	DFPS, TEA, PSEI	No	8	Short-term
1.12	Provide link to Casey's It's My Life: Post-Secondary Education and Training Guide to all foster placements with middle and high school youth placed in their care and to CASA programs. Include link to the online guide in a letter to residential contractors and to middle and high school counselors.	DFPS, TEA	No	8	Intermediate
1.13	Work with Texas Reach and stakeholders to develop a website similar to California College Pathways Programs: www.cacollegepathways.org.	DFPS, TEA, THECB, Children's Commission, PSEI	Yes	8	Long-term

2. Increase Retention in and Completion of Post-Secondary Education

2.1	Reduce PAL caseworker caseload to facilitate monitoring youth in post-secondary education or increase funding for after-care case management services.	DFPS	Yes	8	Long-term
2.2	Raise awareness of the need for staff dedicated to assisting former foster youth at post-secondary campuses, identify that staff, and provide networking and other support for campus programs.	Texas REACH, THECB, PSEI	Yes	8	Long-term
2.3	Coordinate with Texas Reach to continue to identify existing statewide campus programs and initiatives for foster youth by surveying campuses to determine which have programs for youth formerly in care.	DFPS, PSEI	Yes	8	Long-term
2.4	Develop college alumni mentoring groups of former foster youth and other college students to promote communication and to create ways to disseminate information to incoming foster youth.	DFPS, Texas REACH, THECB, PSEI	Yes	8	Long-term

#	RECOMMENDATION	STAKEHOLDERS	FISCAL IMPLICATION	GUIDING PRINCIPLE	TIMEFRAME TO IMPLEMENT
2.5	Assist post-secondary education campuses in creating and maintaining a list of available housing resources and contact information or determine whether such lists already exist and place list(s) on a website accessible to youth. Assist post-secondary education institutions in implementation of House Bill 452 temporary housing between semesters.	DFPS, Texas REACH, THECB, PSEI	Yes	8	Intermediate
2.6	Help youth who transitioned from foster care at age 18 and currently are eligible for services through DFPS, including extended foster care, determine individuals who may be willing and available to assist youth formerly in care in locating a co-signer for apartment leases, if the youth is a minor or otherwise needs a co-signer.	DFPS, CASA, Attorney ad litems	No	8	Short-term
2.7	Encourage every campus to designate a single point of contact or campus office for youth formerly in care to contact regarding financial assistance, temporary housing assistance, and other questions and issues related to navigating the higher education system of each campus and to serve as a support network.	DFPS, Texas REACH, THECB, PSEI	No	8	Intermediate

3. Support Post-Secondary Education Success and Employment

3.1	Identify and recruit stable and trusted education advocates, college students, school professionals, college graduates who were formerly in foster care or others from post-secondary education institutions, business community, and workforce boards to volunteer as mentors to former foster youth and to encourage mentoring programs on campuses.	PSEI, local workforce boards, TWC	Yes	8	Long-term

EDUCATION COMMITTEE MEMBER PRESENTATIONS

- 2010 -

PRESENTATION TITLE	CONFERENCE	AUDIENCE	PRESENTER	LOCATION	SPONSOR ORGANIZATION
SEPTEMBER					
Improving Educational Outcomes of Texas Foster Children through Collaboration	2010 TASA/TASB Conference, September 25, 2010	School Administrators and Educators	Hon. Patricia A. Macías, Judge, 388th District Court, El Paso, TX Tiffany Roper, Assistant Director, Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families (Children's Commission), Austin, TX	Houston, TX	TASA/TASB

- 2011 -

FEBRUARY					
Education Committee	Austin Community College Foster Care Advisory Committee- February 14, 2011	Austin Community College	Tiffany Roper, Assistant Director, Children's Commission, Austin, TX	Austin Community College Highland Business Center, Austin, TX	ACC
MARCH					
Education Committee	CPC Judges Court Conference, March 7, 2011	CPC Court Judges	Hon. Rob Hofmann, CPC Judge, Child Protection Court of the Hill Country, Kristin Kelly, Staff Attorney, ABA Center on Children and the Law, Washington DC Tiffany Roper, Assistant Director, Children's Commission, Austin, TX	AT&T Executive Education and Conference Center, University of Texas Austin	Office of Court Administration (OCA)
JUNE					
Examples of Intersystem Collaboration on Educational Stability	Building Partnerships, Implementing Change – Educational Stability for Students in Foster Care, June 2, 2011	National Education and Child Welfare Leaders	Tiffany Roper, Assistant Director,Children's Commission, Austin, TX	National Press Club, Washington, D.C.	Annie E. Casey Foundation, the National Education Association, Casey Family Programs

PRESENTATION TITLE	CONFERENCE	AUDIENCE	PRESENTER	LOCATION	SPONSOR ORGANIZATION
Looking at the Big Picture	Texas REACH Conference – Helping Foster Youth Reach Their Dream of a College Education, June 3, 2011	Youth Services Agencies and Higher Education Institutions	Lori Duke, Attorney at Law, Children's Rights Clinic, University of Texas School of Law, Austin, TX	Sam Houston State University	Casey Family Programs
JULY					
System Reform to Improve Outcomes For Children in Foster Care	14th ABA National Conference on Children and the Law, July 15, 2011	Attorneys who represent children in the child welfare system	Hon. Patricia A. Macías, Judge, 388th District Court, El Paso, TX Kathleen McNaught, Assistant Director, ABA Center on Children and the Law, Washington, D.C. Tiffany Roper, Assistant Director, Children's Commission, Austin, TX Amy Woolard, former attorney with Legal Aid Justice Center, Charlottesville, VA	Arlington, VA	Legal Center for Foster Care & Education
Foster Children in the Court System	25th Annual School Law Section Retreat, July 15-16, 2011	Attorneys who represent children in the child welfare system	Joy Surratt Baskin, Director Legal Services Division, Texas Association of School Boards, Austin, TX	Bastrop, TX	State Bar of Texas School Law Section
The Foster and Adoptive Care Student: What You May Not Know and What You Can Do to Help	Teacher's Law School, July 22, 2011	School Teachers	Tiffany Roper, Assistant Director, Children's Commission, Austin, TX	State Bar of Texas – Texas Law Center Hatton W. Sumners Conference Room, Austin, TX	State Bar of Texas
AUGUST					
Educational Needs of Children in Foster Care	37th Annual Advanced Family Law Course, August 3, 2011	Judiciary and Attorneys	Joy Surratt Baskin, Director-Legal Services, Texas Association of School Boards, Austin, TX	Marriott Rivercenter Hotel, San Antonio, TX	State Bar of Texas

PRESENTATION TITLE	CONFERENCE	AUDIENCE	PRESENTER	LOCATION	SPONSOR ORGANIZATION
SEPTEMBER					
Educational Needs of Children in Foster Care	2011 TASA/TASB Convention, September 30, 2011	Educators and School Administrators and Board Members	Joy Surratt Baskin, Director-Legal Services, Texas Association of School Boards, Austin, TX Tiffany Roper, Assistant Director, Children's Commission, Austin, TX	Austin Convention Center – Room 16B Austin, TX	TASA/TASB
OCTOBER					
Education Advocacy	22nd Annual Texas CASA Conference	CASA Staff and Volunteers	Hon. Rob Hofmann, Associate Judge, Child Protection Court of the Hill Country, Mason, TX	San Marcos, TX	
NOVEMBER					
Successful Interagency Collaborations to Improve Educational Outcomes for Children in Foster Care	Child Welfare Education and the Courts: A Collaboration to Strengthen Educational Successes of Children and Youth in Foster Care, November 4, 2011	Education and child welfare agency staff and members of the judiciary	Hon. Patricia A. Macías, Judge, 388th District Court, El Paso, TX Tiffany Roper, Assistant Director, Children's Commission, Austin, TX	Renaissance Capital View, Arlington, VA	U.S. Department of Education and the Children's Bureau of the Administration for Children, Youth and Families

- 2012 -

MARCH					
Education and Your Foster Child	Child Protection Court Ad Litem Seminar, March 30, 2012	Attorneys, CASA staff and volunteers, Judges	Tiffany Roper, Assistant Director, Children's Commission, Austin, TX	Fredericks-burg, TX	The Child Protection Court of the Hill Country, The Child Protection Court of South Texas, and Hill Country CASA

GLOSSARY

AAL	Attorney ad litem
ABA	American Bar Association
ACT	American College Testing Assessment
ACYF	Administration on Children, Youth and Families
AP	Advanced Placement
ARD	Admission, Review and Dismissal
AVID	Advancement via Individual Determination
CAPRI	Child and Adolescent Policy Research Institute
CASA	Court-Appointed Special Advocate
CFR	Code of Federal Regulations
COMPASS®	Computer-Adaptive College Placement
CPS	Child Protective Services
DAEP	Disciplinary Alternative Education Program
DARS	Department of Assistive and Rehabilitative Services
DFPS	Department of Family and Protective Services
DSHS	Department of State Health Services
ECI	Early Childhood Intervention
EPSDT	Early Periodical Screening, Diagnosis, and Treatment
ETV	Education and Training Vouchers
FAFSA	Free Application for Federal Student Aid
FERPA	Family Educational Rights and Privacy Act
FTE	Full Time Equivalent
GAL	Guardian ad litem
GPA	Grade Point Average
HHSC	Health and Human Services Commission
IDEA	Individuals with Disabilities Education Act
IEP	Individual Education Plan
IMPACT	Information Management Protecting Adults and Children in Texas
ISD	Independent School District
JJAEP	Juvenile Justice Alternative Education Program
MOU	Memorandum of Understanding
NCSC	National Center for State Courts
NCJFCJ	National Council of Juvenile and Family Court Judges
OSS	Out of School Suspension
PAL	Preparation for adult living; program for children age 16 and above who are in DFPS conservatorship, to provide skills and limited funds to assist the transition from foster care to independent living when the child ages out of the DFPS system
PCA	Permanency Care Assistance
PEIMS	Public Education Information Management System

GLOSSARY

PGP	Personal Graduation Plan
PMC	Permanent Managing Conservator(ship); refers to the status of a child who has been placed in the conservatorship of DFPS after their legal case is dismissed, and until the child is adopted or ages out of the DFPS system.
PPCD	Preschool Program for Children with Disabilities
PPRI	Public Policy Research Institute (at Texas A&M University)
PSEI	Post Secondary Education Institutions
PSAT	Preliminary Scholastic Aptitude Test
RCCL	Residential Child Care Licensing
RTC	Residential Treatment Center
SACWIS	Statewide Automated Child Welfare Information System
SAPCR	Suit Affecting the Parent-Child Relationship; lawsuits brought under Title 5 of the Texas Family Code, including suits for custody, termination, parentage, and adoption
SAT	Scholastic Aptitude Test
TASA	Texas Association of School Administrators
TASB	Texas Association of School Boards
TASSP	Texas Association of Secondary School Principals
TCASE	Texas Council of Administrators of Special Education
TCSA	Texas Charter School Association
TEA	Texas Education Agency
TEDA	Texas Educational Diagnosticians' Association
THECB	The Texas Higher Education Coordinating Board
TREX	Texas Records Exchange
TVSN	Texas Virtual School Network
TWC	Texas Workforce Commission
UIL	University Interscholastic League